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HISTORY

OF THE

PACIFIC NORTHWEST:

OREGON AND WASHINGTON

EMBRACING AN ACCOUNT OF THE ORIGINAL DISCOVERIES ON THE PACIFIC COAST OF NORTH AMERICA, AND A DESCRIPTION OF THE CONQUEST, SETTLEMENT AND SUBJUGATION OF THE VAST COUNTRY INCLUDED IN THE

ORIGINAL TERRITORY OF OREGON

ALSO INTERESTING BIOGRAPHIES OF THE EARLIEST SETTLERS AND MORE PROMINENT MEN AND WOMEN OF THE

PACIFIC NORTHWEST

INCLUDING A STATISTICAL AND GRAPHIC DESCRIPTION OF THE CLIMATE, SOIL, PRODUCTIONS, INDUSTRIES, IMPROVEMENTS AND OCCUPATIONS, AS WELL AS THE NATURAL ADVANTAGES AND RESOURCES AND ARTIFICIAL ACQUIREMENTS OF THE GREAT STATES OF

OREGON AND WASHINGTON

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VOLUME I—1889

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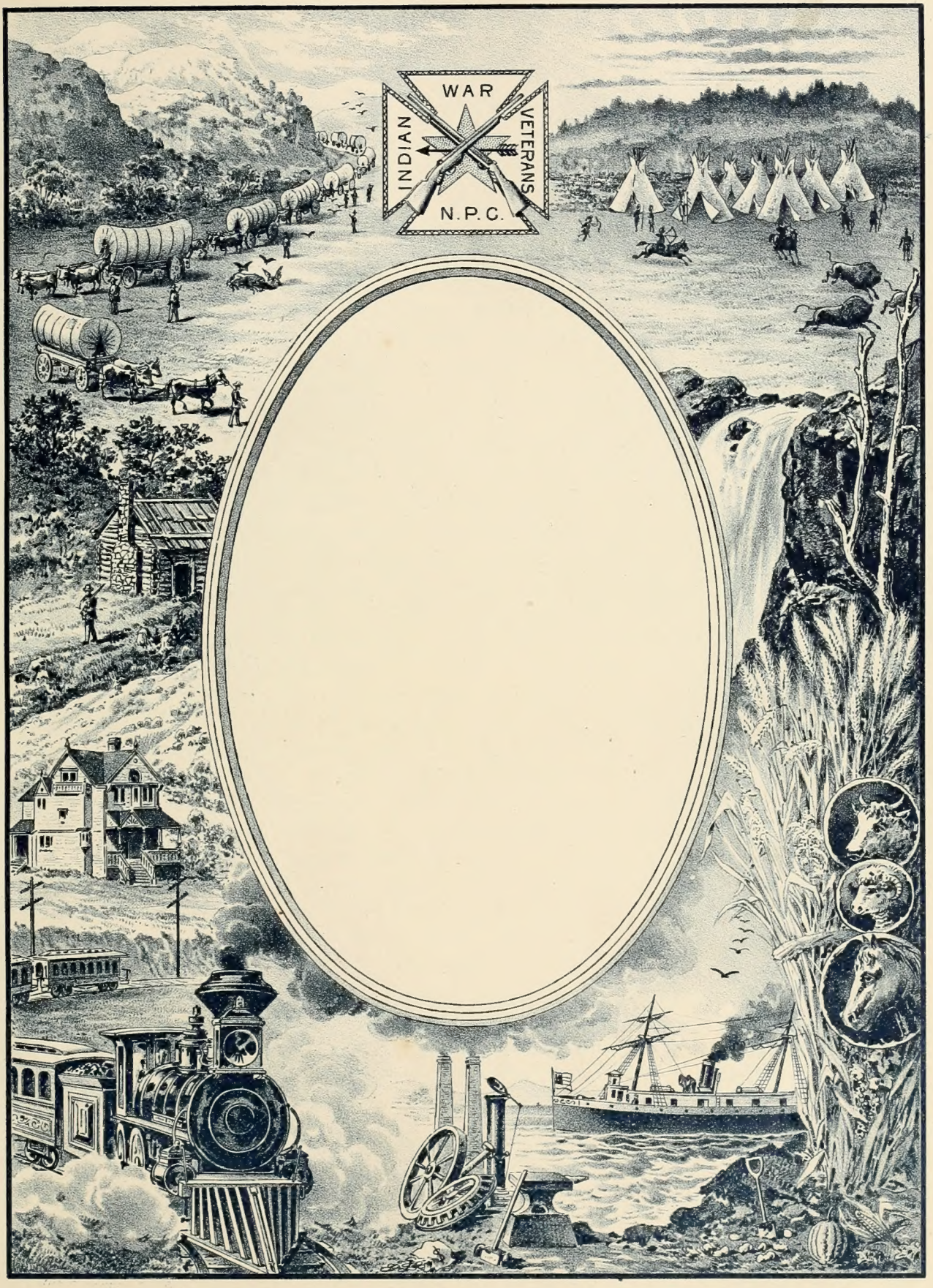
North Pacific History Company

OF PORTLAND, OREGON

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PREFACE.

PRIOR to 1776 (if the piratical cruises of Drake and Cavendish in the sixteenth century be disregarded), the exploration of the Pacific coast of North America had been confined to Spanish and Russian voyages. From Mexico to Prince William's Sound, sixty-one degrees north latitude, the coast was explored by Spanish navigators. Russians operating from Kamtchatkan ports discovered and made settlements between sixty-six degrees and fifty-four degrees forty minutes north latitude.

In 1776, Captain James Cook arrived upon the northwest coast. The order to examine the coast of New Albion (the name conferred by Sir Francis Drake) was embraced in his instructions by the British Admiralty. After Cook's voyage, English explorations followed in the latitude of what is now Washington. Upon the United States of America entering upon its career as a nation, it became an important factor in North Pacific discovery, commerce and settlement. The territorial claims asserted by the United States and Great Britain were based upon voyages to, or examinations of, the coast north of latitude forty-two degrees north, and the south line of Russian claim, fifty-four degrees forty minutes north latitude. A vast extent of coast bounded south by the north line of the Spanish department of California, and north by the south line of Russian America, or to speak more accurately, by the south line of Russian discoveries and establishments, was hedged in between forty-two degrees and fifty-four degrees forty minutes by Spain on the south and Russian America on the northwest.

Early in the present century, the territory fronted by such coast, eastward to the Rocky Mountains, became known as OREGON.

The sovereignty of this region long continued in dispute between three of the great powers of the earth,—the claim of each nation respectively resting upon the value, in a political point of view, to be ascribed to those voyages, expeditions and acts of settlement.

The region was frequently called "the territory westward of the Stony Mountains." Within it were included the present States of Oregon, Washington and Montana, west of the Rocky Mountains, and the territory of Idaho, together with the province of British Columbia. The claim to the sovereignty of the territory so long and so notably waged occasioned what is historically and politically termed the OREGON CONTROVERSY.

It must be apparent that an intelligible history of this region must chronicle the various stages of transition from Indian territory, from a fur-bearing region, into states of the American Union.

In such recital, sufficient details are requisite to illustrate how the coast became dedicated to settlement, and how it became impressed with national characteristics. Thus will be traced the antecedents of OREGON, what that historic name comprehends, how

the territory acquired the area and boundaries as indicated on the map of the world, and the steps towards recognition as a part of the United States. Naturally following is the recounting of those struggles incident to the attainment of present importance,—in short, the presentation of the OREGON of history, the exhibition of its process of molding, keeping pace with the region as it has advanced to Americanization and enlightenment.

Oregon, north and east of the Columbia river, for several years all embraced in WASHINGTON, that particular historic area which for a long period included the territory which was the real contention between the United States and Great Britain, will receive its due share of notice.

Nor could Washington, Idaho or Montana history be written, ignoring their Oregon antecedents and their true significance. Such a work would be analogous to tracing the biography of an illustrious personage without knowledge of his parentage, his youth, his manhood, of those circumstances which constituted his very being, his individuality, and gave to his life its characteristics.

To chronicle those agencies, to appreciate the factors which rendered this interesting region notable in the world's annals,—in fine, to secure a comprehensive historic view of that part of Northwest America included within what was formerly and first called OREGON,—actuate this work.

It is, however, just to the North Pacific History Company, under whose auspices this book is published, that further explanation should be made as to how they became the sponsors of its publication.

In the spring of 1888, Multnomah Camp, No. 2, Indian War Veterans of Oregon and Washington, pursuant to a resolution passed, appointed a committee for the purpose of collecting and publishing reliable articles upon the several Indian wars, as also the history of the early settlements of Oregon. The first plan was to secure, from parties resident in the several divisions of the territory, historic contributions as to their respective localities. Specially it was rather limited to chronicling the struggles of the white settlers with the aborigines, and the incidents of pioneer life. After thorough consideration, it became apparent that by such scheme, however full of interest, the result desired could not be obtained; that anything short of a sufficiently presented historic notice of the early explorations and settlement of the region, of the different and necessarily adverse elements of its pioneer population, would not carry out the intention of the proposed enterprise.

The intercourse of immigrants or American settlers with and influence over the native population would serve to illustrate the situation of Oregon's pioneers. A history of the region was regarded essential to exhibit the relation of the native population to the white races who migrated to Oregon to occupy and settle the territory.

The motive of the Indian War Veterans was not only self-justification. They were also animated with the patriotic desire to vindicate the territorial authorities of Oregon and Washington, and the volunteers who gallantly took up arms and successfully defended that people who had been abandoned by the government, which had invited their presence here to Americanize and hold the region. It soon became manifest that the condition of affairs in Oregon, at the time it was organized as an United States territory, could not be appreciated without a preliminary history of its exploration and occupancy, showing the advent of the white races within its borders, and their respective modes of dealing or intercourse with the native population. That detail will demonstrate

that the struggles with a perfidious race cannot justly be attributed to the Oregon pioneers. The conflict was but the logical sequence of those acts and of his presence here. The belief is fully warranted that it would have been avoided had the national government performed a duty it obligated itself to perform by encouraging American settlement in the territory.

History will also demonstrate that so much of Oregon as was not surrendered to Great Britain by the Treaty of June 15, 1846, was saved through the presence and instrumentality of the American settlers of Oregon. It will equally establish that the people who settled in Oregon, and who Americanized it, were patriotic, patient and eminently considerate and kind to the aborigines; and that the conflicts between the natives and settlers were not occasioned by any provocation given by the latter, beyond the isolated fact that their presence was an offense in the eye of the Indian, who, quick to observe, took advantage of the neglect of the government to protect the settler, and attempted to exterminate the American race in that region.

History was required to supply the picture of the surroundings of the Oregon pioneer. And now, after a full generation, in which these country-savers, these state-builders, have been under a cloud, denounced as barbarians and robbers of the national treasury, their single offense being that, in the hour of desolation and doubt, they prevented the American settlements of Oregon from being wiped out forever, the great fact still remains that that government, which ignored their presence in the territory, which profited by their services in the field, still repudiates the full payment of the debt so justly their due. These men, these veterans, now deem it a simple act of justice, to themselves and to their children, to publish a history which may serve also to illustrate the value and importance of the region they fought to save to the country, humanity and the American occupants. And they have also deemed it eminently proper to present a picture of the region now, which in the past was the scene of those historic details and their sacrifices.

A history of the territory embraced within the classic name of Oregon will constitute the first volume. It will aim to illustrate those struggles and vicissitudes by which American states and commonwealths are created. A second volume will afford the illustration of a progress which is the complete justification of every effort put forward by the Oregon pioneers: I. To wrest by American settlement the Oregon of history from its British occupancy; II. To subdue and dedicate it to American civilization.

How those resolves have been performed by the Oregon pioneer will, as we believe, truthfully appear in the following pages.

Elwood Evans.

GENERAL DIVISIONS

OF THE

HISTORY OF THE PACIFIC NORTHWEST:

OREGON AND WASHINGTON.

VOLUME I.

PART I.

Voyages of Discovery to the Pacific Coast — Voyages to Northwest America — Trading Enterprises and Settlements upon which Acts, Claim to the Coasts and Territory Originated, or was Asserted by Spain, Russia, Great Britain and the United States — The Limits of the Territory Called Oregon Ascertained. By Hon. Elwood Evans: Chapters 1 to 16.

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VOLUME II.

PART V.

Historic Summary of the Several States and Territories West of the Rocky Mountains and North of Forty-two Degrees North Latitude, from the Admission of Oregon as a State to the year 1889, the date of the Admission of the States of Washington and Montana. By Hon. Elwood Evans: Chapters 58 and 59.

PART VI.

A Graphic Account of the Religions or Mythology of the Indians of the Pacific Northwest, including a History of their Superstitions, Marriage Customs, Moral Ideas and Domestic Relations, and their Conception of a Future State, and the Re-habiliment of the Dead. By Dr. G. P. Kuykendall: Chapter 60.

PART VII.

The Pacific Northwest as it is To-day — Its Physical Aspects, Industries, Vast Natural Resources and Paramount Advantages. By Prof. W. B. Lyman: Chapters 61 and 62.

PART VIII.

Interesting Biographies and Personal Reminiscences of Pioneer Settlers and More Prominent Men and Women of the Pacific Northwest. By Learned and Entertaining Writers.

Contents of Volume I.

INTRODUCTORY.

To Discover a Sea-path from Europe to India, the Incentive of Pacific Coast Exploration — Voyages, whether Eastward or Westward from Europe, alike and necessarily Precursors of the Discovery of Northwest America — Reputed Discoveries by the Cabots and Cortereal — The Strait of Anian Myth — Fictitious Narratives of Pretended Voyages of Maldonado, de Fuca and de Fonte Stimulated North Pacific Exploration 1

CHAPTER I.

(1513-1543.)

Balboa Crosses the Continent and Discovers the Pacific Ocean — Pioneer Explorations on the West Coast of North America, Adjacent to the Isthmus and Working Northward — Magellan Passes Through the Strait which Bears his Name, Enters and Nominates the Pacific Ocean — Cortez Discovers and Subjugates Mexico — Voyages of Mendoza, Grijalva, Becarra, Ulloa, Alarcon, Cabrillo and Ferrelo on the West Coast of America — The Pacific Coast Examined from Panama Northward to Cape Mendocino 11

CHAPTER II.

(1556-1603.)

Spain Conquers the Philippine Islands—Urdaneta's Return Voyages Eastward from Manilla to Acapulco—Commercial Voyages Between Manilla and Mexico—Voyages of Francisco de Gali — Cruise of Sir Francis Drake — Takes Possession, Calling the Coast New Albion — Voyages of Thomas Cavendish — Voyages of Vizcaino — Cruise of Martin de Aguilar — Change of Maritime Policy of Spain 16

CHAPTER III.

(1613-1779.)

Cape Horn Discovered by the Dutch — Theories for Effecting Direct Communication Between the Atlantic and Pacific Oceans, or Between Western Europe and the East Indies — Russian and Siberian Voyages in the North Pacific, and Discoveries on the Northwest Coast of America 20

CHAPTER IV.

(1683-1770.)

Spanish Settlements on the Coast of California — Jesuit Missionary Conquest of Lower California — Expulsion of the Jesuits by Charles III. — The Franciscans Establish Missions in Upper California — Inland Discovery and Settlement of San Diego, San Francisco and Monterey — California a Department of Spain, its Northern Boundary Undefined 27

CHAPTER V.

(1774-1779.)

Renewal of Spanish Exploration on the North Pacific — Voyages of Perez, Heceta, Bodega and Arteaga 31

CHAPTER VI.

(1776-1779.)

Great Britain Turns Attention to Discoveries on the Northwest Coast of America — Voyages of Captain James Cook — British Assertion of Claim to Discovery by Sir Francis Drake of New Albion — Captain Cook Denies Existence of Strait of Fuca — Murder of Captain Cook, Succeeded in Command by Captain Clerke — Death of Captain Clerke — Lieutenant Gore, a Native of Virginia, in Command — Sails to China with Collection of Furs — Growing Importance of Fur and East India Trade 34

CHAPTER VII.

(1785-1796.)

The Nootka Treaty Between Spain and Great Britain, and the Events Culminating Therein — Nootka Sound the Resort for Vessels Engaging in the Fur Trade — The King George's Sound Company — Voyages of Portlock and Dixon — The Latter Discovers the Channel Separating Queen Charlotte's Island from the Continent — Meares and Tipping on Northwest Coast Under License of East India Company — Voyages of Meares Under Portuguese Flag — Makes Settlement at Nootka, and Builds Schooner *Northwest America* — Arrival at Nootka of American Vessels *Washington* and *Columbia* — Martinez Seizes *Iphigenia* and *Northwest America* — Arrival of *Princess Royal* and *Argonaut* — Martinez Seizes Them — Difficulties Between Spain and Great Britain — The Nootka Treaty, or Convention of the Escurial — Arrival at Nootka Sound of Captain Vancouver, British Commissioner, to Receive Restitution of Property of British Subjects — Unsuccessful Negotiations Between Señor Quadra and Vancouver — Final Restitution to British Subjects of Seized Property — Spain and Great Britain Abandon Nootka Sound 39

CHAPTER VIII.

(1787–1792.)

Strait of Juan de Fuca Discovered — Examinations of Strait by Meares, Gray, Kendrick and Spanish Navigators — Vancouver's Survey of Strait, Admiralty Inlet, Puget Sound and Gulf of Georgia — Discovery of Columbia River — Trade of North Pacific Coast Exclusively Enjoyed by American Vessels — Tragic Fate of Crew of Ship *Boston* — National Character Ascribed to Several Portions of North Pacific Coast — Termination of Coastwise Voyages of Discovery — Coast Between Forty-three and Fifty-five Degrees Latitude Claimed by Spain, Great Britain and United States 49

CHAPTER IX.

(1766–1793.)

First Rumors as to Existence of Rocky Mountains and Great River Beyond Flowing Westward to South Sea — Fabulous Stories of Hennepin, La Hontan and Others Stimulate Interior Exploration — The Verendryes, First White Men to Explore Rocky Mountains — Story of a Yazoo Indian, the First to Traverse Continent Between the Two Oceans, as Detailed to Le Page — Origin of the Name Oregon — Journal of Captain Jonathan Carver — Indian Idea of Interior of North America — Indian Knowledge of Great Rivers Rising in Interior of North America — Their Stories About the Great River of the West — That the Word Oregon is of Spanish Origin, Inconsistent with Carver's Use of It, nor is It an Indian Name — Overland Exploration Inaugurated in Prosecution of Inland Fur Trade — North West Company — Two Expeditions of Alexander Mackenzie — First Party of White Men Cross Rocky Mountains and Reach the Pacific Ocean 57

CHAPTER X.

(1792–1810.)

Western Limits of the United States of America — Purchase of Louisiana — Abortive Projects for Northwestern Exploration — Expedition of Lewis and Clark to the Mouth of the Columbia River — The North West Company Establishes a Trading Post West of the Rocky Mountains — The Missouri Fur Company — Commercial Enterprises of Citizens of the United States in Northwest America — Captain Winship, in the *Albatross*, Attempts an Establishment at Oak Point, on the Columbia River 67

CHAPTER XI.

(1810–1818.)

John Jacob Astor Organizes the Pacific Fur Company — Intriguing Policy of the North West Company — Treacherous Conduct of Mr. Astor's Partners — Parties Sent by Sea and Overland to the Mouth of the Columbia River — Founding of Astoria — Loss of the Ship *Tonquin* — Launch of the Schooner *Dolly*, the First United States Vessel Built on the Pacific Coast — Pacific Fur Company Dissolved by British Partners — Transfer of Astor's Stock and Establishment to North West Company — The British Sloop-of-War *Raccoon* Captures Astoria — Name Changed to Fort George — End of Pacific Fur Company — American Employés Leave the Country — British Enter North West Company's Service — Restoration of Astoria Under Treaty of Ghent 76

CHAPTER XII.

(1814–1824.)

The North West Company Exclusive Occupants of the Territory West of the Rocky Mountains — Antecedent History and Policy of Said Company — Rivalry and Open Hostility Between the North West and Hudson's Bay Companies — Adjustment of the Differences by a Partnership in Fur Trade Prosecuted Under Charter of Hudson's Bay Company — License of Exclusive Trade Extending to the Pacific Ocean Granted by the British Government — The Hudson's Bay Company Succeed to All Rights Under Said License — The North West Company Merged Into the Hudson's Bay Company 89

CHAPTER XIII.

(1824–1846.)

The Hudson's Bay Company the Exclusive Occupants of Oregon — Charter of the Company — License of Trade — Internal Organization — Employés and Their Distribution 95

CHAPTER XIV.

The Hudson's Bay Company Secures a New License of Trade, May 31, 1838 — Its System of Trade 99

CHAPTER XV.

(1838–1846.)

Political Mission of Hudson's Bay Company in Oregon, to Strengthen British Claim — Their Establishments — Gradual Abandonment of Posts, and Contraction of Operations — The Puget Sound Agricultural Company — Its Objects and Plan of Operations 103

CHAPTER XVI.

(1823–1836.)

American Trading Enterprises in the Territory West of the Rocky Mountains — Expedition of William H. Ashley — Jackson, Sublette and Smith Form the Rocky Mountain Fur Company — American Trading Vessels in the Columbia River — Wagons Brought to the Rocky Mountains — South Pass — Pilcher's Expeditions — First Overland Expedition, Captain Wyeth, to Columbia River — First School West of the Rocky Mountains — Captain Bonneville's Expedition — Captain Wyeth's Second Enterprise — He Establishes Forts Hall and Williams 111

CHAPTER XVII.
(1807–1827.)
Conflicting Claims to Northwestern Coast of America — Abortive Efforts to Settle the Boundary of Respective Possessions — Capture and Surrender of Astoria — Convention of 1818 — United States Acquires the Spanish Claim by Florida Treaty — Russia Limited to Making Settlements Northward of Fifty-four Degrees, Forty Minutes, by Conventions with Great Britain and United States — That Parallel Becomes the Northern Boundary of the Oregon Territory — Great Britain and the United States the Only Claimants of Oregon — Treaty of 1827 . 120

CHAPTER XVIII.
(1820–1829.)
Proceedings in Congress Relative to Sole Occupancy of Oregon, and Extension Over It of Federal Jurisdiction — Efforts to Establish a Territorial Government 134

CHAPTER XIX.
(1831–1844.)
Negotiations Resumed Between Great Britain and the United States — Résumé of Status of Claimants — Presidential Election, 1844 140

CHAPTER XX.
(1835–1846.)
Congressional and Executive Action — The Oregon Question an Element of American Politics — Presidential Election, 1844 — The Treaty of Limits, June 15, 1846 149

CHAPTER XXI.
(1836.)
Settlement of Oregon — Internal Condition of the Territory — Its Elements of Colonization — Native Population, Number, Distribution, Characteristics, Disposition, or Relation to the Several White Races Present 170

CHAPTER XXII.
(1821–1846.)
Hudson's Bay Company Officers, Employés and Retired Servants — Biographic Sketches of Dr. John McLoughlin, Peter Skeen Ogden, James Douglas and William Fraser Tolmie, Chief Factors of Hudson's Bay Company — Notices of Alex. C. Anderson, George B. Roberts and Archibald McKinlay — Early Settlers of French Prairie — First Settlement at Oregon City 174

CHAPTER XXIII.
(Ante 1836.)
American Settlements — Personnel of Independent Residents of Oregon — First Expedition of Captain N. J. Wyeth — First School West of Rocky Mountains — Second Expedition of Captain Wyeth — Ewing Young and Hall J. Kelly — Immigrants of 1835 182

CHAPTER XXIV.
(1834–1844.)
The Oregon Methodist Mission — Visit of Flathead Indians to St. Louis, Asking Missionaries — Formation of Oregon Methodist-Episcopal Mission — Rev. Jason Lee and Associates Journey to Oregon, 1834 — Establishment of Mission in Willamette Valley — Schools Established at Willamette and Fort Vancouver — Missionary Efforts to Christianize Indians — Arrival of Dr. Elijah White, Rev. David Leslie and Others — Status of the Mission — It Abandons the Indian Work — The Oregon Institute Founded — Prominent in Every Popular Enterprise — Rev. Jason Lee Succeeded by Rev. George Gary — Character of the Mission Changed — Effects of Presence of Methodist Mission in Oregon 186

CHAPTER XXV.
(1835–1848.)
Establishment of the Oregon Mission, Under the Auspices of the American Board of Commissioners of Foreign Missions 193

CHAPTER XXVI.
(1838–1848.)
The Roman Catholic Mission 208

CHAPTER XXVII.
(1836–1840.)
Young and Carmichael Abandon Erection of Distillery — Formation of the California Cattle Company — Visit to Willamette by Purser Slacum, U. S. Navy, Special Agent — First Petition to Congress of J. L. Whitcom and Others — Farnham, Holman and Others Leave Peoria, Illinois, for Oregon — Sir Edward Belcher's Surveying Expedition in Columbia River — Arrival of Rev. J. S. Griffin — Missionary Party of Clark, Smith and Littlejohn — Dr. Robert Newell Brings Wagons to Fort Walla Walla — Population of Territory at Close of 1840 214

CHAPTER XXVIII.
(1841.)
Abortive Effort to Form a Provisional Government — The United States Exploring Expedition — Captain Wilkes, United States Navy — First Fourth of July on Puget Sound — The Red River Colony to Puget Sound 223

CHAPTER XXIX.

(1842.)

Appointment of Dr. White as Sub Indian Agent — Frémont's First Expedition to the South Pass — Immigration of 1842 — Efforts Renewed to Form a Provisional Government — White's Importance as a Public Functionary — Citizens of Tualitan Plains Combine to Protect Themselves Against Evil-doers — White's Administration of Indian Affairs in the Interior — His Reports to the War Department 231

CHAPTER XXX.

(1843.)

Agitation of the Question of Formation of Government — The "Wolf Meeting" — Committee of Twelve to Report a Plan for Protection of the Settlement — The Formation of a Government and Election of Officers — First Legislative Committee — Its Report of an Organic Law — Division of the Territory into Districts — The People Approve the Organic Law — Boundaries of Territory 236

CHAPTER XXXI.

(1843.)

Sad Accident Near Willamette Falls — Departure of Immigrants of '42 for California — The "Petition of 1843," Its Authorship and Contents — Dr. John McLoughlin's Answer to Its Charges — Cattle Policy of the Hudson's Bay Company — Dr. John McLoughlin's Statement as to Formation of California Cattle Company — Rev. Daniel Lee's Statement as to Said Company — Oregon City Claim — Rev. George Gary, Superintendent of Oregon Methodist Mission, Sells Its Property to Dr. McLoughlin — Section Eleven of Donation Law of September 27, 1850 — The Immigration of 1843 — The Cattle Contract — Frémont's Second Expedition 242

CHAPTER XXXII

(1844–1847.)

Oregon Under the Provisional Government — Indian Depredations at Willamette Falls — Death of George W. Le Breton — Arming of Citizens for Defense — Amendment to Organic Law, 1844 — Prohibitory Liquor Law — First American Settlement North of the Columbia River — Oregon City Incorporated, the First Municipality West of the Rocky Mountains — Incorporation of Oregon Institute — George Abernethy Elected Governor, 1845 — Petition of Provisional Government to Congress — Visit and Report of Lieutenant Neil M. Howison, U. S. Navy — Wreck of the U. S. Schooner *Shark* — Lieutenant Howison Presents Her Colors to the Provisional Government — Reception of the News of the Treaty of June 15, 1846 262

CHAPTER XXXIII.

(1847–1848.)

Governer Abernethy's Message — Resolutions to Raise a Company of Mounted Riflemen for Immediate Service at Dalles — Citizens' Meeting — First Company Enrolled — Legislature Authorizes Raising a Regiment — Gilliam Elected Colonel; Other Officers — Efforts to Procure a Loan — Joel Palmer Appointed Superintendent of Indian Affairs — Peace Commission Appointed — Arrival of the Rescued Captives — Whitman Massacre — Skirmish with Hostiles Near Dalles — Advance of Colonel Gilliam with Troops — Fight at the Steve Meek Cut-off — Gilliam Marches for Waiilatpu — His Campaign on the Touchet — Victory Over the Palouses — Death of Colonel Gilliam — Maxon in Command — Appeal for Provisions and Reinforcements — Lee Appointed Colonel by the Governor, and Also Superintendent of Indian Affairs — Lee Generously Gives Place to Lieutenant-Colonel Waters, Who is Promoted to Colonelcy — Lee Accepts Commission as Lieutenant-Colonel — March Into Nez Perce Country — Close of Campaign — Battle of the Abiqua 277

CHAPTER XXXIV.

(1846–1848.)

Oregon's Struggle in Congress to Become a Territorial Government 289

CHAPTER XXXV.

(1848–1849.)

The Last Days of the Provisional Government — The Discovery of Gold in California — Exodus to the New Gold Fields — Coinage of Beaver Money — Last Session of the Legislature of the Provisional Government — Progress of American Settlements on Puget Sound — Return of Delegates Thornton and Meek — Appointees to the Territorial Offices — The Provisional Government Superseded by Governor Lane's Proclamation Announcing Organization of Territory 300

CHAPTER XXXVI.

1849–1851

Census — Superintendent Lane Visits Columbia River Tribes — Attack by Snoqualmies on Fort Nisqually — Murder of Leander C. Wallace — Hostile Attitude of Snoqualmies — White Settlers Build Blockhouses — Governor Lane Arrives at Tumwater — Judicial Districts Declared, and Judges Assigned — Sub Indian Agents Thornton and Newell — Election of Samuel R. Thurston, Delegate to Congress — Meeting of Legislature — Names of Counties Changed — Towns in Oregon — Sub-Agent Thornton Visits Puget Sound — Reward for Wallace's Murderers — Action Disapproved by Governor Lane — Thornton Resigns — Trial and Execution of the Murderers — Arrival of Mounted Rifle Regiment — Deserters to California Gold Fields — Surrender, Trial and Execution of Murderers of the Whitmans — Major John P. Gaines Appointed Governor — Governor Lane Resigns, to Take Effect June 18th, and Leaves for California Mines — Arrival of the United States Steamer *Massachusetts* — General Adair, Collector of Customs, Astoria — Seizure of the British Ship *Albion* at New Dungeness — Survey of Columbia River — Lieutenant McArthur — The Ship *Albion* Condemned as a Forfeiture — Seizure and Release of the Schooner *Cadboro* — Progress of Settlements on Puget Sound — Oysters Discovered at Shoalwater Bay — United States Census, 1850 305

CHAPTER XXXVII.
(1850–1853.)

President Taylor's Appointments of Territorial Officers — Their Arrival in the Territory — Mail Service and Steamers Between San Francisco and Portland — Passage of Donation Law — Titles to Private Land Claims — Publication of *Western Star*, *Oregonian* and *Oregon Statesman* — Session of Legislature, 1850–51 — Building of Steamer *Lot Whitcomb* — New Counties Organized — Remodeling Judicial Districts — Location of Public Buildings — Death of Samuel R. Thurston — Arrival of Chief Justice Nelson — The Oregon Party — Election of General Lane as Delegate to Congress — Seat of Government Controversy — Quorum Supreme Court Meets at Oregon City, and Decides It to be the Seat of Government — Judge Pratt Holds Supreme Court at Salem — In a Letter Dissents from Justices Nelson and Strong — Quorum of Legislative Assembly Meets at Salem — Session of 1851–52 — Minority at Oregon City — Thurston County Organized — President Fillmore's Official Message on Capital Controversy — Congress Intervenes, Declares Salem the Seat of Government, and Ratifies Laws Passed Thereat, Session 1851–52 — Extra Session of Legislature — Renewed Personal Rancor Growing Out of Decision as to Iowa Laws in Force by Legislation of Provisional Government — Judge Deady's Historic Notice of "Steamboat Code" and the "Blue Books" — Progress of Settlements North of Columbia River — Legislation of 1852–53 — Creation of New Counties — Judicial Districts Reconstructed — Division of the Territory 314

CHAPTER XXXVIII.
(1850–1853.)

Exclusive Reference to Historic Acts North of the Columbia River Explained — Legislative Representation — United States Census, 1850 — Status of Settlement North of the Columbia at That Date — Historic View of Progress of Settlements Upon the Banks of the Columbia — Incubus to Settlement of Vancouver — Conflicting Claims to Site — Settlements North of River, and North of Olympia — Edmund A. Starling, Indian Agent, Puget Sound District — The Collection District of Puget Sound Established — Arrival of Revenue Officers — Disastrous Expedition of Gold Hunters to Queen Charlotte's Island in Sloop *Georgianna* — Wreck of Sloop — Passengers Taken Captive by Hydah Indians — Ransom of Captives — Seizure of Steamer *Beaver* and Brig *Mary Dare* at Olympia — First Term of District Court at Olympia — First Commemoration of Independence Day at Olympia — Division of Territory — Monticello Convention — Congress Establishes the Territory of Washington 333

CHAPTER XXXIX.
(1853–1859.)

Appointments of Territorial Officers by President Pierce — Reconstruction of Judicial Districts — The Election of General Lane to Congress — Arrival of Governor John W. Davis — Session of Legislature, 1853–54 — First Attempt to Call a Constitutional Convention — George L. Curry Succeeds Governor Davis — Session of Legislature, 1854 — Multnomah County Established — Legislative and Congressional Proceedings as to the Admission of Oregon as a State — Ex-Governor Gaines Nominated by Whigs for Delegateship — Election of June, 1855 — General Lane Re-elected — The Constitutional Convention Defeated — Re-agitation of Location of Capital — Session of Legislature, 1855–56 — Counties of Curry and Josephine Organized — Organization of the Republican Party in Oregon — General Lane Renominated by Democrats — The Opposition Supports George W. Lawson, Independent Free-Soil Democrat — Election of June, 1857 — General Lane Re-elected — Large Majority for Constitutional Convention — Session of Legislature, 1857 — Election of 1858 — L. F. Grover Elected to Congress — State Organization — General Lane and Delazon Smith Elected United States Senators — Session of Legislature, 1858 — Oregon Admitted as a State, February 14, 1859 350

CHAPTER XL.
(1827–1847.)

Southern Oregon — Natural Divisions — Topographical Features — Early Immigration — First Settlement — Introduction of Cattle — Emigrant Wagon Road — Heroic Corporation — Pioneer Road Builders — Frémont's Old Camp — Exploring Southeastern Oregon — First Immigrant Train Through Southern Oregon 368

CHAPTER XLI.
(1848–1850.)

Early Argonauts — First American Settlements South of the Calapooias — A Friend of the Whites — United States Regulars in Southern Oregon — Half a Regiment Deserts — Fighting Their Way to the Gold Fields — Relief for the Deserters — A Soldier for Dinner — Dogs for Supper — First Cattle in Oregon — Forcing a Treaty of Peace — First Civilized Vessel to Enter the Umpqua River — Trying to Boom the Country — Founding of Umpqua City, Gardiner, Scottsburg and Winchester — Organization of Umpqua County 375

CHAPTER XLII.
(1850–1851.)

Gold in Southern Oregon — Ambushed by Savages — General Phil Kearney — The Settlers' Appeal — Gallantly Answered — The Military Worsted — Heroic Conduct — Death of Captain Stewart — Reinforcements by Volunteers — General Jo Lane at the Front — The Indians Beaten — A Bad Appointment 381

CHAPTER XLIII.
(1851.)

Settlement and Organization of Umpqua County — First County Election — First Postoffices and Postmasters — Pioneer Merchants — United States Collector of Customs — Shipping — Discovery and Settlement of Port Orford — Desperate Fight with Savages — Indians Become Acquainted with Cannon — Disastrous Ending of First Settlement — Second Attempt to Settle Port Orford — Disastrous Explorations — Humane Indian Boy — Inhuman Massacre — Savage Butchery and Cremation — The First Indian Mission — A Disgraceful Failure — Military Expedition — Settlement of Rogue River Valley — Discovery of Gold — Saw-mills and Grist-mills . . 389

CHAPTER XLIV.

(1852.)

Douglas and Jackson Counties Created — First Election — First Court in the Southern District — Early Merchants — Pioneer Lawyers and Doctors — Pony Expresses and Territorial Roads — U. S. Mail Route — Gold Discovered at Rogue River — Gaines' Futile Treaty — Marauding Indians — Volunteers Called Out — War with the Savages — Settlers Favor a Treaty — Captain Lamerick Banqueted — Heroism of the Pioneers — The Government's Neglect of Settlers and Volunteers — Protecting and Relieving Immigrants — Indian Ambuscades and Savage Murders — White Women and Children Butchered — The Settlers to the Rescue — Captain Ben Wright Wreaks Revenge — Disaster at Port Orford — Prosperity on the Umpqua — A Hard Winter 397

CHAPTER XLV.

(1853.)

Judge Deady's First Term — The Trial of Joseph Knott — Murderous Savages — Settlers and Miners Assassinated and Robbed — Securing Arms — Direful Fate of White Victims — Volunteers Called For to Protect the Settlements — Heroic Response — The First Skirmish — Jackson County Appeals to the Governor of the Territory — General Lane Besought to Help His Fellow Citizens — His Prompt Response — Nesmith and Grover Volunteer — Indians Captured — Perfidy of Surrendered Savages — Combination of Indian Tribes to Exterminate the Whites — Fortified at Table Rock — Pursuing the Savage Warriors — Fatal Conflicts — General Lane in the Field Ahead of His Commission — Energetic and Successful Prosecution of the War — A Pitched Battle — Colonel Alden and General Lane Wounded — Surrender of the Indians — Flags of Honor — General Smith's Heroic March — Treating for Peace — General Lane and Ten Unarmed Negotiators Threatened with Base Murder — Conclusion and Terms of the Treaty — Retaliatory Depredations — Protecting the Immigrant Trains — Fighting on the Overland Trail — Conduct of the Treaty Indians — Ill Treatment of the Volunteers by the National Government — Pony Expresses — Mines and Mining — Other Industries — First Courts in Jackson and Douglas Counties — Murderers Hanged — More Indians Punished — Many Settlers Assassinated by the Savages — Discovery of Gold — The Coos Bay Company and Settlement 408

CHAPTER XLVI.

(1854.)

Mild Weather and Prosperous Times — A New Territory Projected — Conventions Held — The Oregon Legislature — How Roseburg Became the County Seat — Milling Industries — Gold on the Seashore — The First Coal from Coos Bay — Disastrous Navigation — First Newspaper in Southern Oregon — First Term of Court at Empire City — Protection of Immigrants — Captain Walker's Volunteer Company — Serious Engagement with the Indians — Repulsed by the Savages — Patriotism of the Volunteers 427

CHAPTER XLVII.

(1855.)

Promised Prosperity Brings Indian Wars to Southern Oregon — New Land District — Hon L. F. Mosher Appointed Register; George W. Lawson, Receiver — Indian Depredations — The Savages Pursued: They Retreat to the Reservation — Other Savage Murders — Volunteers Organize and Take the Field — Successful Operations — Conduct of the Whites — A Dark and Memorable Day — The Savages Inaugurate a General War to Exterminate the Pioneers of the Pacific Northwest — Numerous Murders — Volunteers to the Rescue — United States Troops Take the Field — Organizations of Settlers for Defense and Protection — Inhuman and Savage Butchery of Men, Women and Children, Murdered by the Indians — Governor Curry Calls for Volunteers — Desperate Conflicts — The Savages Victorious — Reorganization for the War — Plan of Campaign — The Closing Events of the Year 431

CHAPTER XLVIII.

(1856.)

The Indian War in Southern Oregon Continued — New Year's Day Finds the Savages Committing Depredations — Conduct of the Military and Volunteers — Major Bruce in the Field — Another Fight with the Savages — Pursuing the Indians — The Volunteers Ambushed — Reorganization of the Militia — John Kelsay, Colonel, and W. W. Chapman, Lieutenant-Colonel, of the New Regiment — A Flag of Truce Protects the Murderous Savages — Renewal of the Campaign Against the Indians — Captain Poland's Company of Volunteers Surprised and Butchered — Depredations by the Indians, and Efforts at Self-Protection by the Settlers — Treachery of Enos — The Big Bend of Rogue River — A Great Battle at That Point — Valor of the Volunteers Saves the Regulars from Annihilation — Surrender of the Indians — Close of the War 445

CHAPTER XLIX.

(1853–1859.)

Political and Local History of Washington as a Separate Territorial Government Until Admission of Oregon as a State, Excluding Detailed Narrative of Indian Wars — Area of the Territory — General Features of Organic Act — President Pierce's Appointments of Federal Officials — Census Taken by Marshal Anderson — Northern Pacific Railroad Exploration — Governor Stevens' Arrival — His First Proclamation — Organization of the Territorial Government — Judicial Districts Defined by Governor — Apportionment of Territory for Legislative Representation — First Election — Columbia Lancaster Elected Delegate to Congress — Session of First Legislative Assembly — New Counties Organized — Secretary Mason Becomes Acting Governor — Indian Disturbances on Puget Sound — Collectors of Customs of Fort Victoria and Puget Sound Both Claim Revenue Jurisdiction Over San Juan Island — Congressional Legislation for Territory — Session of Legislature, 1854–55 — Treaties with Indian Tribes — Indian Council at Walla Walla — Discovery of Gold at Fort Colvile — Murder of Miners and Indian Agent Bolon — Governor Stevens at Council with Blackfoot Nation — Session of Legislature, 1855–56 — The People in Blockhouses — General Stagnation of Business — The Campaigns Against Indians Ended — Session of Legislature, 1856–57 — Organization of Republican Party in Territory — Election of 1857 — Governor Isaac I. Stevens Elected Delegate to Congress — Fayette McMullin Appointed Governor — The Fraser River Excitement — Session of Legislature, 1858–59 — Oregon Admitted Into the Union — Enlargement of Territorial Area by Annexation of Residue of Oregon 459

CHAPTER L.

(1855-1856.)

The Oregon-Washington Indian Wars—Causes, Immediate and Remote — Race Conflict for Supremacy — Agency of the Treaties — Condition of the Territories as to Defense — Neglect of the Government to Station Sufficient Troops — The "Ward Massacre," 1854 — Indian Outrages Precipitate the War — Murder of Bolon, Indian Agent — Haller's Expedition to the Yakima Country — Official Knowledge of the Hostile Intentions of the Indians — Requisition of Major Rains on the Governors of Oregon and Washington for Volunteers — Response Thereto — Governor Curry's Proclamation Calling for Eight Companies — Officers and Men, First Regiment Oregon Mounted Volunteers — Refusal of Major Rains, U. S. Army, to Furnish to Them Arms, Ammunition and Equipments — James W. Nesmith Elected Colonel — Governor Mason Appoints Major Rains Brigadier-General of Washington Territory 525

CHAPTER LI.

(1855-1856.)

Condition of Washington Territory at the Time of the Outbreak — Company A, Washington Territory Volunteers, Reports to Captain Maloney, U. S. Army, Fort Steilacoom — Captain Maloney's Expedition Towards the Yakima Country — Killing of Moses and Miles — Company B, Captain William Strong, Reports to Major Rains — Uprising of Indians on the Sound — Captain Eaton's Company of Rangers — Killing of Lieutenant McAllister — Captain Eaton's Command Besieged — Massacre of Families on White River — War Policy Established — Hostile Ground Defined — Battle with Hostiles on White River, November 3d — Killing of John Edgar — Disposition of Forces by Captain Maloney, U. S. Army — Night Attack by Hostiles — Killing of Lieutenant William A. Slaughter, U. S. Army, and Two Corporals, by Kanaskut — The Steamer *Active* Cruises near Steilacoom — Return of Governor Stevens from Blackfoot Council — Hostility of General Wool to the People and Authorities of Oregon and Washington 540

CHAPTER LII.

(1855-1856.)

Operations on the Columbia River, and in the Yakima and Walla Walla Country — Force of Troops and Volunteers at Forts Vancouver and Steilacoom — Estimate of Number of Hostiles — Major Rains and Colonel Nesmith Move into the Yakima Country — Battle of the "Two Buttes" — Colonel Nesmith's Requisition on General Wool for Arms, etc., to Reinforce Major Chinn — Lieutenant-Colonel Kelly's March to Walla Walla — Battle With the Walla Wallas — Death of Peu-peu-mox-mox — Colonel Nesmith Resigns — Thomas R. Cornelius Elected his Successor — The Oregon Volunteers go into Winter Quarters at Walla Walla — Campaign in the Yakima Country — Disbanding of the Regiment of Oregon Mounted Volunteers 550

CHAPTER LIII.

(1856.)

Oregon and Washington Indian War — Governor Stevens' Operations—His Return from the Blackfoot Council — He Addresses the Legislative Assembly — Call for Volunteers — Indian Attack Upon the Town of Seattle — Arrival of the Ninth Infantry — Governor Mason Goes to Washington City — Governor James Douglas — Patkanim Has a Battle with Leschi's Band — Murder of Northcraft and White — Battle of Connell's Prairie — Indians Becoming Demoralized — Major Hays Resigns His Command — Raid of Maxon's and Achilles' Companies Up the Nisqually — Arrest of Wren, McLeod and Others — Habeas Corpus Proceedings — Martial Law in Pierce and Thurston Counties — Trials by Military Commission — Discharge of Wren, McLeod and Others — Trial of Lieutenant-Colonel Shaw and Governor Stevens for Contempt of Court — Campaign of Lieutenant-Colonel Shaw East of the Cascade Mountains 572

CHAPTER LIV.

(1856.)

Campaign of the Regulars West of the Cascade Mountains — Condition of Puget Sound, December, 1855 — Pacific Department Reinforced by the Ninth Infantry Regiment — Two Companies Ordered to Fort Steilacoom — Lieutenant-Colonel Casey in Command of Puget Sound District — Six Companies Ordered to Columbia River — Colonel George Wright in Command of Columbia District — Lieutenant-Colonel Casey Establishes a Blockhouse at Muckleshoot Prairie — Killing of Kanaskat, the Hostile Chief — Fight with Indians at the Crossing of White River — Requisition of Lieutenant-Colonel Casey on the Governor of Washington Territory for Two Companies of Volunteer Infantry — Governor Stevens Declines — Expeditions to Stuck Prairie, Boise Creek and D'Wamish Lake — Expedition Under Captains Dent, Pickett and Fletcher to the Green and Cedar River Country — Major Garnett's Command of Two Companies Ordered to Join Colonel Wright East of the Cascades 590

CHAPTER LV.

(1856.)

Campaign of Regulars East of Cascade Mountains — General Wool's Instructions to Colonel Wright — Attack on the Cascades — Massacre of Whites — Siege of the Bradford Store at Upper Cascades — Gallant Defense of Middle Blockhouse by Sergeant Kelly and Eight Men — Attack on Lower Cascades — Lieutenant Phil Sheridan to the Rescue — Trial and Execution of Indians Engaged in Cascade Massacre — Inhuman Massacre by Whites of the Spencer Family — Kamiakin's Design in Stimulating the Uprising of Cascade Indians, and the Raid Upon the Cascade Settlements — Peaceable Excursion of Colonel Wright Into the Yakima Country — The Indians Avoid Him — Efforts of the Washington Territory Volunteers to Co-operate with Colonel Wright — Peace in the Yakima Country Announced — Governor Stevens' Attempt to Hold a Council with the Hostile Tribes — Terms of the Treaty — Volunteers Attacked by the Hostiles — Steptoe Asks Governor Stevens and Volunteers to Return and Escort Him to the Umatilla — Colonel Wright Ordered by General Wool to March Into the Walla Walla Country — He Delivers Leschi, Quiemuth, Kitsap, Nelson and Stehi to Governor Stevens for Trial — Treaty of Peace with the Hostiles — General Wool Announces the War at an End in Oregon and Washington . 596

CHAPTER LVI.

(1858.)

Campaign of General Clarke and Colonel Wright, in the Country East of the Columbia River and North of Walla Walla — The Peace of 1856 Abortive — Kamiakin Still Inaugurating Hostile Movements — Combination of Hostile Eastern Tribes, and Motives of Hostility — Indian Depredations in Walla Walla Region — Expedition of Lieutenant-Colonel Steptoe, and His Disastrous Defeat — Colonel Wright's Views of the Campaign Necessary — Treaty with the Nez Perces — Colonel Wright Sets Out on Northern Expedition — Battle of Four Lakes — Battle of Spokane Plains — The Spokanes Submit — The Cœur d'Alenes Submit — Death of Owhi and Qualchen — Submission of the Palouses — The War Ended 621

CHAPTER LVII.

(1856–1873.)

Southern Oregon — Counties of Josephine and Curry — Straggling Savages Murder and Rob Umpqua Lighthouse — Trial and Execution of Enos — Chief John Sent to San Francisco — Desperate and Almost Successful Attempt of Himself and Son to Capture the Steamship — Military Wagon Road — Discovery of Gold in the Umpqua Valley — Exploration of the Klamath Lake Country — First Mail Between Sacramento and Portland — More Indian Depredations — Bailey's Brave Stand Against a Hundred Savages — S. D. Evans Shot Dead with an Arrow — The Great Deluge in Southern Oregon — Effects of the Southern Rebellion — Oregon Volunteers Again in the Field — Indian Council at Klamath Lake — Causes and Details of the Modoc Indian War — The Assassination of General Canby — Punishment of the Traitorous Savages 640

INTRODUCTORY.

To Discover a Sea-path from Europe to India, the Incentive of Pacific Coast Exploration—Voyages, whether Eastward or Westward from Europe, alike and necessarily Precursors of the Discovery of Northwest America—Reputed Discoveries by the Cabots and Cortereal—The Strait of Anian Myth—Fictitious Narratives of Pretended Voyages of Maldonado, de Fuca and de Fonte Stimulated North Pacific Exploration.

THE discovery of the Cape of Good Hope, the voyages to the South African coast rounding that cape and opening the sea-path from Western Europe to the East Indies, which had been accomplished within the fifteenth century, proved the forerunners of grand development of geographic science, knowledge of navigation and the expansion of commerce. These enterprises had been but shortly preceded by discovery of the polarity of the magnetic needle and its legitimate sequent, the invention of the mariners' compass. To China belongs the invention of those important discoveries. The period at which the compass became first utilized by the navigators of Western Europe is shrouded in uncertainty. The best authorities ascribe its introduction to Flavio Gioia, a citizen of Amalfi in the Kingdom of Naples, and designate the year 1307 as the date.

"Encouraged by the possession of this sure guide, by which at all times and all places he could with certainty steer his course, the navigator gradually abandoned the method of sailing along the shore, and boldly committed his bark to the open sea. Navigation was then destined to make rapid progress. The growing spirit of enterprise, combined with the increasing light of science, prepared the states of Europe for entering on that great career of discovery of which the details constitute the materials for the history of modern geography. Portugal took the lead, and in the foremost rank of the worthies of the little hero-nation stands the figure of Prince Henry, the navigator. Until his day (1394–1460) the pathways of the human race had been the mountain, the river and the plain, the strait, the lake and the inland sea. It was he who first conceived the thought of opening a road through the unexplored ocean, a road replete with danger but abundant in promise."

In the foregoing eloquent extract are presented, not only the causes of ignorance of geography, cosmography, cartography,—ignorance of the world in which humanity had stayed at home, or simply crawled over a small area of the earth's circumference,—but the method whereby knowledge was to be acquired; "opening a road through the unexplored ocean," harbinger to "abundant promise," which has been more than realized by executing what Prince Henry conceived in that isolation of his sea-girt, rock-bound home at Sagres. That pioneer of discovery of worlds and seas dedicated his life to remove that ignorance, to develop knowledge of the world and its wealth, to expand commerce, "to find a sea-path to the *thesauris arabum et divitas Indiæ*." Through his enlightened foresight and perseverence, the world is indebted for the maritime discovery of more than half the globe. Having successfully colonized the Azores, Portugal extended its explorations southward along the Atlantic coast of Africa beyond Cape Bojador,

seeking a channel leading eastward by which the Indian Ocean might be entered and the voyage to India shortened. In 1454, Portugal obtained from Pope Nicholas V. the grant of "exclusive right of navigation, conquest, trade, fishery in all seas and countries which they might find between Cape Bojador and the Indies, not before occupied by a Christian nation."

Portuguese voyages continued. Year after year new lands were being made known. While Columbus, under the patronage of Spain, had been pursuing his westward voyages of discovery in search of India, prompted by the theory which had suggested to Prince Henry the southward voyages, the Portuguese had persevered in their efforts to reach India by sea; Vasco de Gama had accomplished this *desideratum*. He had rounded the Cape of Good Hope in 1497, and on the 20th of May, 1498, reached Calicut. Thus the idea and conception of Henry, the navigator, had ripened into fact.

Western exploration had culminated in the discovery of America. Southward and eastward voyages had opened the sea-path to India. Henry did not live to witness the realization of that hope, which had been the very soul of his being.

To find the much-coveted, long-hoped-for sea-path to India had been—nay it continued to be—the key-note of voyages of discovery; it "was the consummation devoutly to be wished." When found it was immediately succeeded by the revolutionizing of the commerce of the East, the changing of its marts, the adoption of new routes of transportation. Theretofore the rich products of India had found their way into Syria and Egypt, traversing the Persian Gulf and Red Sea. The Venitians, receiving them at Beyroot and Alexandria, had enjoyed the carrying trade. Thereafter that wealthy commerce passed into the hands of maritime nations.

Upon the return of Columbus from his first voyage of discovery, Ferdinand and Isabella of Spain claimed from Pope Alexander VI. that same recognition which had been extended to Portugal by his predecessor. On the 2d of May, 1493, the papal grant of 1454 was remodeled; the undiscovered world was divided between Spain and Portugal. From pole to pole, one hundred leagues west of the Azores and Cape Verde Islands, was the line of partition. All lands and seas discovered east of that line were allotted to Portugal; all west were awarded to Spain. Expeditions fitted out by Spain sailed westward in search of India. The Portuguese prosecuted their voyages southward and eastward around the Cape of Good Hope. Neither Spain, Portugal nor the Pope had contemplated that these voyages respectively made from this common meridian of departure, as they approached the antipodes, would there meet or pass. Portugal became dissatisfied with the papal partition, because of the belief that Spain had secured a much greater extent of ocean. On the 7th of June, 1494, the two nations entered into the treaty of partition of the ocean, concluded at and sometimes called the Treaty of Tordesillas. The line was removed two hundred and seventy leagues westward of the papal line. No provision, however, had been made for the contingent approach of the possessory claims of the two nations toward each other, consequent upon the sphericity of the globe,—of voyages starting in opposite directions from the same meridian. Of necessity, complications could not be avoided. Portugal, by way of the Cape of Good Hope, established its power in the Indies, made settlement on the Moluccas or Spice Islands, and had acquired the Port of Macao in China. Later the Spanish expeditions to India, via the Strait of Magellan, came into collision with those Portuguese settlements.

Spain claimed exclusive navigation, trade and conquest westward to the extremity of the peninsula of Malacca. That contention included all the Moluccas and China.

Portugal asserted exclusive territorial rights from the partition meridian eastward to the Ladrone Islands. The treaty of Saragossa, April 22, 1529, adjusted these territorial differences between the two nations. Spain released to Portugal all claim to the Moluccas.

The relative situation of India to the maritime powers of Western Europe and the sea-paths to and from; the prevailing belief that America was the eastern extremity of India; that voyages westward would reach that goal of navigators and adventurers in pursuit of wealth, fully account for projecting westward voyages of discovery. As the extent of the new continent became appreciable, the vastness of the world's area began to be realized. Seas and continents were found to separate Western Europe and Western Asia, which must be traversed before India could be reached by westward voyages from Europe.

It was ascertained that the South Sea bathed the western shore of a vast continent: the hope had been dispelled that America was a projection of India. That same South Sea had become recognized as the Pacific Ocean. It was realized that long voyages upon its surface must be made before India could be reached. Discovery had demonstrated that the world was infinitely more vast than hitherto believed. India, as its remoteness had been made manifest, had become the more tempting to the adventurer. The new world laid across this westward sea-path to India. The continent discovered by Columbus as the hoped-for India proved to be the great obstacle to a direct westward voyage from Europe to India. The discovery of the Pacific Ocean was succeeded by the exploration of the west coast of North America. Still clinging to the hope, a hope so strong that it may properly be termed faith, that the Pacific shore line was but the projection eastward of the coast line of India, the Pacific coast was followed northward, westward and then southward in the expectation that India would be reached. For centuries navigators continued to explore the Pacific coast from its southern extremity to Arctic latitudes, stimulated by the belief that a channel would be found,—a water-passage from the Atlantic to the Pacific Ocean, affording direct route for westward voyages from Europe to India, avoiding the circuit of the southern extremities of the two hemispheres. Voyages of discovery, actuated by such motives, constitute the preliminary history of the Pacific coast of Northwest America.

In the search for the northwest passage, from the Atlantic Ocean to the South Sea and to the Indies, venturous spirits of all nations participated, notably of Portugal and Great Britain.

To understand the *animus* which prompted the voyages of the sixteenth and seventeenth centuries, it becomes essential to recur to the condition of geographic science, and the then existing theories as to the connection between the Eastern and Western hemispheres. Early charts demonstrate that North America was supposed to have been the eastern portion of Asia. After it had become known that the Pacific Ocean was separated by a continent from the Atlantic, and even after the western coast of America had been examined as far north as forty degrees north latitude, the idea was still entertained that, at no great distance north of that parallel, the coast would sharply deflect westward, and, after some distance, would then trend southward to the Indies. Another favorite theory had its devotees,—that to the north of the American continents a channel existed, through which, by sailing in a northwesterly direction, Asia could be reached from the Atlantic Ocean. Later, these ideas resolved themselves into a more definite theory,—that at a high northern latitude there was a strait penetrating the continent, and constituting

a water passage connecting the two oceans. The search for the northwest passage was for centuries the desideratum of the voyages projected by geographers and navigators of European nations.

To discover a short and direct route from Europe to the Indies was an element in all North Pacific expeditions,—indeed, it might truthfully be added, all voyages westward from Europe.

Early as 1497–8, thus wrote Sebastian Cabota:

"And when my father died, in that time when news were brought that Don Christoval Colon, the Genoese, had discovered the coasts of India, of which there was great talke in all the court of King Henry VII., who then reigned, in so much that all men, with great admiration, affirmed it to be a thing more divine than human to saile by the West into the East, where spices growe, by a way that was never known before. By his fame and report there increaseth in my heart a great flame of desire to attempt some notable thing; and understanding by reason of the sphere that, if I should saile by way of northwest, I should, by a shorter tract, come into India, I thereupon caused the King to be advertised of my devise, who immediately commanded two caravels to bee furnished, with all things appertayning to the voyage, which was, as farre as I remember, in the year 1496, in the beginning of summer. I began therefore to saile toward the northwest, not thinking to find any other land than that of Cathay, and from thence to turn toward India."

The Portuguese, who had discovered the route to India by doubling the Cape of Good Hope, now engaged in the more hazardous enterprise of seeking the Spice Islands of India by sailing westward around the northern extremity of North America. The first of these voyages, reported to have been as early as 1463–4, was by John Vaz Cortereal, who explored the northern seas by order of Alfonso V., and discovered the Terra de Baccalhaos (the land of codfish) afterward called Newfoundland. It has been asserted that Portuguese from that time engaged in fishing on the banks of Newfoundland; but there is no record that any Portuguese navigator attempted to explore those northern seas after Vaz Cortereal.

The next voyage to those northern seas after Sebastian Cabot was that of Gaspar Cortereal, who sailed in 1500 from the Azores, his voyage occupying nearly the whole of that year. Of that voyage, Ramusio thus speaks:

"In the part of the new world which runs to the northwest, opposite to our habitable continent of Europe, some navigators have sailed, the first of whom, as far as can be ascertained, was Gaspar Cortereal, a Portuguese, who arrived there in the year 1500 with two caravels, thinking that he might discover some strait through which he might pass, by a shorter voyage than around Africa, to the Spice Islands. They prosecuted their voyage in those seas until they arrived at a region of extreme cold; and in the latitude of sixty degrees north they discovered a river filled with ice, to which they gave the name of Rio Nevado,—that is, Snow river. They had not courage, however, to proceed further."

Gaspar Cortereal, fully persuaded that a northwest passage to India existed, with two vessels sailed from Lisbon on May 15, 1504, on a second voyage. Reaching Greenland, bad weather separated the two vessels. After long waiting, without any tidings of Cortereal, his consort returned to Lisbon, reporting his loss.

In the collection of voyages, the strait which Cortereal is accredited with having discovered is named Anian. The reason for such nomination is stated to have been in honor of two brothers of that name who accompanied the expedition. That circumstance

and such naming, with the ascribed motive therefor, are denied. According to some authorities, the northwest extremity of America was named Ania; and that name appears upon early charts. By others it is asserted that Ania was the name of an Asiatic province, which, so named, appears upon early maps. Purchas, in the "Pilgrims," speaks of "Anian" as an island off the coast of China. Hakluyt thus refers to the origin of the name: "An excellent learned man of Portingale, of singular grauety, authorite and experience, told me, very lately, that one Anus Cortereal, captayne of the *Ile Tercera*, about the yeere 1574, which is not above eight yeeres past, sent a shippe to discouer the northwest passage of America, and that the same shippe, arriving on the coast of the saide America in fiftie-eighte degrees of latitude, founde a great entrance exceeding deepe and broade, without all impediment of ice, into which they passed about twenty leagues, and found it alwaies to trende towarde the south, the land lying lowe and plaine on eyther side; and they persuaded themselves verely that there was a way open into the South Sea."

So much for the name Anian. Its origin is as mysterious as was the strait itself to which it was applied. But to discover that strait, the bravest and most experienced navigators of Portugal, Spain, England and Russia contined for centuries to devote their lives in venturesome voyages and perilous navigation. Myth though it has proven to have been,—to the acquisition of geographic knowledge,—to the discovery of new worlds and seas, how great an incentive. To that long-continued, that reluctantly-abandoned faith in the existence of the Strait of Anian, or the northwest passage, is to be attributed those voyages which mark the early exploration of the coast of Northwest America. Kindred with the thought which accepted as assured the existence of that mythical strait, indeed, intensifying the mystery and co-operating to render those coasts more inviting to adventure, were fabulous narratives of pretended voyages and discoveries, which for centuries were credited. To ascertain the truthfulness of the narratives of the voyages accredited to Lorenzo Ferrer Maldonado, Juan de Fuca and Admiral Bartolomé de Fonté, upon the northern and northwestern coasts of North America, were the prompting motives of several national expeditions.

Maldonado affixed to his fraud the earliest date. "A relation of the discovery of the Strait of Anian, made by me, Captain Lorenzo Ferrer Maldonado, in the year 1588, in which is given the course of the voyage, the situation of the strait, the manner in which it ought to be fortified, and, also, the advantage of this navigation, and the loss which will arise from not prosecuting it."

Its purpose, its location, sufficiently appear in the following curious extracts:

"And now that I am commanded by your Majesty and the council of state to give some account of the voyage and of the method of fortifying the strait, it will be proper also to give the course to be steered, and the situation and harbor of that strait."

Then follows the sailing directions from Lisbon northwest to Labrador, then northwest and west by the Strait of Labrador until the strait is cleared, thence southwest until reaching sixty degrees north latitude, where the Strait of Anian was discovered.

The narrative recites: "The distance from Spain to Friesland is four hundred and fifty leagues, and from thence to Labrador one hundred and eighty, and to the termination of that strait two hundred and ninety, which make, in the whole, nine hundred and twenty leagues; and these added to seven hundred and ninety, which we found to be the distance from the north part of the Strait of Labrador to the Strait of Anian, make, in the whole, one thousand seven hundred and ten leagues for the distance between Spain and the Strait of Anian.

"The strait we discovered in sixty degrees, at the distance of 1710 leagues from Spain, appears, according to ancient tradition, to be the one which geographers name in their maps the Strait of Anian; and, if it be so, it must be a strait having Asia on one side and America on the other."

After detailing the cruise southward to Mendocino, and the voyage westward 120 leagues, they return to the entrance of the strait. The narrative concludes:

"We found ourselves at the entrance of the same Strait of Anian, which, fifteen days before, we had passed through to the open sea, which we knew to be the South Sea, where Japan, China, the Moluccas, India, New Guinea and the land discovered by Captain Quiros are situated, with all the coast of New Spain and Peru. At the mouth of the strait, through which we passed to the South Sea, there is a harbor situated on the coast of America, capable of holding five hundred ships."

In Spanish literature the name of Maldonado held prominent place. This has been suggested as a reason that such a name was selected as a *nom de plume* to conceal the imposture;—a fictitious voyage in which it is represented that a passage by the northwest was made from the Atlantic to the Pacific, returning in the following year. There is but little doubt, however, as to Maldonado having been a real personage, and as to the authorship of "the relation," above recited.

Nicholas Autorico, in Bibliotheca Hispana, title "Laurent Ferrer Maldonado," ascribes to that person great proficiency in geography and navigation, and refers to his published work on geographic science. The writer claims to have seen the original manuscript, "the discovery of the Strait of Anian made by Maldonado (the author) in 1588." Other authorities state that Maldonado appeared before the "Council of the Indies" to secure payment for two scientific discoveries: 1. "To render the magnetic needle not subject to variation." 2. "To take the longitude at sea."

That he was a man of learning and ability is unquestionable. There is also abundant evidence that his countrymen attached credit for many years to what subsequently proved a forgery. An illustration of how the claim was regarded is found in the fact, that is, fitting out the voyage of discovery (in 1789) commanded by Malaspina, destined for the examination of the coast of Northwest America, between fifty-three degrees and sixty degrees north. Among the instructions to the commander, he is directed "to discover the strait by which Lorenzo Ferrer Maldonado was supposed to have passed, in 1588, from the coast of Labrador to the great ocean." Again, in 1790, after Malaspina had sailed, Buache, the distinguished French geographer, before the Paris Academy of Sciences, read a memoir to establish that the voyage accredited to Maldonado had been made,—that the narrative was genuine and reliable. A translated copy of that memoir was forwarded by the Spanish government to Malaspina at Nootka, which reached him at Acapulco, instructing him to determine the truth or falsity of the narrative. Again, in 1791, when Galiano and Valdez sailed for Northwest America, in the *Sutil* and *Mexicana*, they were also furnished with the "'Maldonado' relation" with instructions to investigate the alleged discoveries. Nor was the making public of "the relation" less curious. Maldonado himself had waited twenty years subsequent to the alleged time of the voyage. In 1626, he published his geographic work, in which he omitted reference to the Strait of Anian, or his pretended discovery.

"The relation," copied from a quarto transcript by Munon, March 24, 1781 (printed in 1788, as already stated), had found a champion in Buache, the French scientist. In

1811, Amoretti, the librarian of the Ambrosian Library at Milan, his notice being called to a small volume in Spanish entitled "relation, etc." (a copy of the paper before cited), at first looked upon it as a mere sensational paper. On attentive reading, he became impressed with its truthfulness of claim. He translated it, published it with comments defending its authenticity and the integrity of its claim. Humboldt had already denounced it as an imposture, as also had Malaspina, after thorough examination of the coasts of Northwest America, within the limits prescribed for the existence of the strait. In the light of present geographic science, the absurdities of the statement of Maldonado's voyage appear; wonder is excited that the so-called Maldonado relation as to the northwest passage should ever have deceived even the most ignorant.

Next in order of chronologic birth is the pretended voyage of Juan de Fuca. Michael Lok, Senior, British Consul at Aleppo, originated the narrative, which comprises all the evidence that there ever existed a man named Juan de Fuca, or that in 1592 such a personage made a voyage to Northwest America.

The voyage, the hero, the claim, are illustrated by the "Note made by me, Michael Lok, the elder, touching the strait of sea, commonly called Fretum Anian, in the South Sea, through the northwest passage of Meta Incognita."

"When I was at Venice in April, 1596, haply arrived there an old man, about sixty years of age, called commonly Juan de Fuca, but named properly Apostolos Valerianus, of nation a Greek, born in Cephalonia, of profession a mariner, and an ancient pilot of ships.

"He said he was in the Spanish ship, which, in returning from the Islands Philippinas, towards Nova Spania, was robbed and taken at the Cape California by Captain Candish, Englishman, whereby he lost sixty thousand ducats of his own goods.

"He said that he was a pilot of three small ships which the Viceroy of Mexico sent from Mexico, armed with one hundred men, under a captain, Spaniards, to discover the Strait of Anian, along the coast of the South Sea, and to fortify in that strait, to resist the passage and proceedings of the English nation, which were feared to pass through those straits into the South Sea; and, that by reason of a mutiny which happened among the soldiers for the misconduct of their captain, that voyage was overthrown, and the ship returned from California to Nova Spania, without anything done in that voyage; and that, after their return, the captain was at Mexico punished by justice.

"Also he said that, shortly after the said voyage was so ill ended, the said Viceroy of Mexico sent him out again, in 1592, with a small caravel and a pinnace armed with mariners only, to follow the said voyage for the discovery of the Strait of Anian, and the passage thereof into the sea; which they called the North Sea, which is our Northwest Sea; and that he followed his course in that voyage, west and northwest in the South Sea, all along the coast in Nova Spania, and California, and the Indies, now called North America, until he came to the latitude 47 degrees; and that, there finding that the land trended north and northeast, with a broad inlet of sea, between 47 and 48 degrees of latitude, he entered thereinto, sailing therein more than twenty days, and found that land trended still sometimes northwest, and northeast, and north, and also east southeastward, and very much broader sea than was at the said entrance, and that he passed by divers islands in that sailing; and that, at the entrance of this said strait, there is, on the northwest coast thereof, a great headland or island, with an exceeding high pinnacle, or spired rock, like a pillar, thereupon." "Also, he said that he went

on land in divers places, and that he saw some people on land clad in beasts' skins; and that the land is very fruitful, and rich of gold, silver, pearls and other things, like Nova Spania."

"And also, he said that he being entered thus far into the said strait, and being come into the North Sea already, and finding the sea wide enough everywhere, and to be about thirty or forty leagues wide in the mouth of the strait where he entered, he thought he had now well discharged his office; and that, not being armed to resist the force of the savage people that might happen, he therefore set sail, and returned homewards again towards Nova Spania, where he arrived at Acapulco anno 1592."

The narrative of Lok, from which the foregoing extracts are made, contains the only record, the only evidence of that alleged voyage. The claim, the service performed, the result, the motive for asserting the claim, are all exhibited in the language of him who heralds the great discovery, one whose real object seems to have been to seek indemnity for a pretended loss at the hands of pirates. The English government took no notice whatever of Lok's narrative. It is referred to by contemporary English writers, without additional particulars to corroborate it. It does not appear to have been regarded of sufficient importance to demand verification. The best authorities treated it as a fabrication. The story of the voyage, never credited to any great extent, like other narratives of expeditions in search of the Strait of Anian, kept alive the hope that such channel was a reality; it stimulated inquiry. No record is preserved in Spain or Mexico mentioning the voyage of him who is asserted to have made it, or that in any way contributes color of truthfulness to the Lok narrative. Its inconsistencies are patent, are glaring. The land described, the natives, the alleged elements of wealth, the location of the strait, its extent, coast line, internal navigation, indeed every peculiarity of the Strait of Juan de Fuca and its surroundings, repel the belief that the inventor of Lok's statement could ever have seen or visited the northwest coast of America.

The so-called voyage of Admiral Bartolomé de Fonté completes this trio of fables. As a preface to the story, it should be remembered that a voyage for fishing or discovery had been undertaken from New England to Hudson's Bay. The French then in possession of Canada had crossed overland with intent to extend their settlements to the shores of Hudson's Bay. M. de Grosseliez, one of the earliest settlers of Quebec, a man of enterprise, conceiving that advantages would result to the French by the possession of the ports and harbors of Hudson's Bay, fitted out an expedition to explore its coasts. It was late in the season when the party landed on the western side of Nelson's river. An English settlement had been observed which de Grosseliez proposed to attack. On approaching, a solitary hut was found, its half dozen inmates perishing from hunger and disease. Grosseliez ascertained that they were of the crew of a Boston ship, who had been sent ashore to find a proper place for their vessel to lie in safety during the winter; that while on this service the ship had been driven by storm from her anchorage and had never returned. To James Petiver, a contributor to the "London Monthly Miscellany or Memoirs for the Curious," these circumstances suggested that fabrication entitled, "The account of a Spanish Expedition from the South Sea, through the interior of America, by means of rivers and lakes, into the Northern Atlantic," published in that magazine April, 1708.

M. de Lisle and P. Buache, of the French Academy, translated the article, embellished it with maps illustrating the routes of de Fonté and Bernardo, giving full faith and

credit to the narrative and to the voyage. Burney termed it an "adventurous piece of geography." Alexander Dalrymple pronounced it "an idle invention; if it had not made at the time some noise in the world it would be wholly undeserving of notice."

Bartolomé de Fonté was the name given the admiral assigned to the command. Associated with his name were Diego Penalosa as vice-admiral, Pedro de Bernardo and Felipe de Rinquillo as captains. The fleet, consisting of four vessels commanded by Admiral de Fonté, is represented to have sailed from Callao in April, 1640, under orders of the Viceroy of Peru, to explore the American coasts of the north Pacific, and to intercept certain vessels reported to have sailed from Boston in search of a northwest passage from the Atlantic to the Pacific. Arrived at Cape St. Lucas, Vice-Admiral Penalosa was detached to explore the Gulf of California. De Fonté, with three vessels, proceeded northward 260 leagues, having sailed in crooked channels among the Archipelago of San Lazandro, beyond which, in latitude fifty-three degrees north, he discovered the mouth of the river Reyes. Bernardo continued his examinations further north, while de Fonté entered the river Reyes, which he ascended to a large lake with beautiful shores, which he named La Belle. It contained many islands, and was surrounded by a lovely country, inhabited by a hospitable people. On its south shore was a large town called Conasset. Passing through a strait to the eastward, he reached an Indian town, where he learned that at a little distance from thence lay a great ship. He sailed thither, and found aboard only one man, advanced in years, and a youth, who told him that the ship was from Boston. The next day the captain and owner of the ship appeared. Although de Fonté had been ordered to make prize of any people or vessels seeking a northwest passage, he looked upon Boston merchants as trading for skins. Instead of seizing them he made valuable presents, and received in return their charts and journals, and then returned to Conasset. Bernardo had ascended another river, called by him Rio de Haro, into a lake he named Valasea, in latitude sixty-one degrees. There he left the ship and proceeded northward several hundred leagues, in three large Indian canoes. To de Fonté he reported that there was no "communication out of the Spanish Sea by Davis's Strait, for the natives had conducted one of his seamen to the head of Davis's Strait, which terminated in a fresh lake of about thirty miles in circumference, in the eightieth degree of north latitude, and there were prodigious mountains north of it." The narrative ends by saying that Admiral de Fonté returned to Peru, "having found that there was no passage into the South Sea by that which is called the northwest passage."

This de Fonté fraud only ceased to find believers after explorations had demonstrated the utter falsity of its description of the lands and seas in the region claimed to have been visited.

In dismissing these narratives of those three fabulous voyages, it must be remarked that they contributed largely to stimulating expeditions for discovery, and as incentives to exploration. They serve also in a very great degree to illustrate the thought of the times in which they appeared as to the geography of Northwest America.

In the last half of the sixteenth century, the track of the European vessels engaged in the commerce of the Pacific Ocean, *i. e.*, between Europe and the East Indies, was through the Strait of Magellan, the only then known passage between the Atlantic and the Pacific Oceans. Such voyage was long in time and distance; it was equally hazardous. To avoid circuity of route, to shorten the time, to escape difficulties of navigation, to effect directness of course, to secure dispatch, economy and safety, the hope of that period

became father to the thought, which almost ran mad in seeking a strait of sea through the North American continent connecting the two great oceans in high northern latitudes. It is not surprising that the credit ascribed to Gaspar Cortereal of having discovered and nominated the Strait of Anian stimulated so many voyages of discovery; that the educated wish of that age, the existence of the northwest passage, the Strait of Anian, prompted many to believe Maldonado's "relation;" that for centuries there continued to be found those who believed Juan de Fuca to have been a real personage, and to have made a voyage to the waters bearing his name; that the narrative of the voyage of Admiral de Fonté was entitled to have been recorded with those of veritable voyages.

The story of the Strait of Anian has, with difficulty, been discarded;—the theory has never been abandoned; the region in which the passage exists has merely been transferred to Arctic latitudes. Polar exploration to secure shorter passage between the two oceans has to-day just as much attraction for many as had the Lok invention of de Fuca's voyage in the sixteenth century.

The mystery has worked for the good of our race,—for the civilization of continents and worlds. To and from both sides of America, how numerous the expeditions and voyages. In solving the mystery in seeking the northern strait, the northwest passage, the FRETUM ANIAN of the meta incognita, most valuable have been the contributions to science. How vast the fields which have been opened to humanity and dedicated to commerce and civilization, and how important the bearing in the problem of the establishment of those great commonwealths on the shores of the Pacific Ocean, whose history it is the purpose of the following pages to chronicle.

Chapter I.

(1513–1543.)

Balboa Crosses the Continent and Discovers the Pacific Ocean — Pioneer Explorations on the West Coast of North America, Adjacent to the Isthmus and Working Northward — Magellan Passes Through the Strait which bears his Name, Enters and Nominates the Pacific Ocean — Cortez Discovers and Subjugates Mexico — —Voyages of Mendoza, Grijalva, Becarra, Ulloa, Alarcon, Cabrillo and Ferrelo on the West Coast of America — The Pacific Coast Examined from Panama Northward to Cape Mendocino.

VASCO NUNEZ DE BALBOA, Spanish Governor of Antiqua, the province bordering the Gulf of Darien, to avert arrest upon charges of oppression and abuse of authority, conceived the thought of conciliating his King by bold acts of discovery. Through the natives he had learned of the sea extending to the south, and of the great wealth of Peru. Those reports stimulated his overland march westward in search of the South Sea and the wealthy provinces upon its coast. On the 1st of September, 1513, with 190 picked men, he sailed northward to Coyba. On the 6th, the party landed and commenced their march across the isthmus. On the 26th, from the mountain ridge, they discovered the "Great South Sea." On the 29th of September, 1513, Balboa took formal possession of these Indies, the "land and seas," for the sovereign King and Queen of Castile and Aragon, and named the bay Gulf of San Miguel. Having completed the ceremonial of taking the sea, Balboa returned to Antiqua. In his many conflicts with the natives, he had not experienced a single defeat, nor lost a single man. He bore with him pearls and precious metals. evidences of the wealth and importance of his great discovery, and received an enthusiastic welcome. The result of the expedition created a sensation in Spain hardly second to the discovery of the New World by Christopher Columbus.

At that early period in the development of geographic science, the belief prevailed that the American continents were extensions eastward of Asia,—were portions of the Indies. The latter were the imagined lands of pearls and precious gems, of gold and of silver, and of precious metals, of the spices, of the best of the earth, the repositories of untold and fabulous wealth. The great South Sea, that vast continuity of waters beyond the ideal boundary or measured limit of the Atlantic Ocean or North Sea, led directly to these opulent and luxurious fields. Hence Balboa's discovery was of the greatest importance, and became the great incentive to new and grander explorations. Under the direction of Balboa, small vessels were constructed at the Gulf of San Miguel, for the examination of adjacent coasts and islands. In 1517, Bartolomé Hurtardo, in canoes, cruised along the coast as far north as Costa Rica. In 1519, Gaspar de Espinosa founded the city of Panama. He sent an expedition northward, which reached the Gulf of Nicoya, in Nicaragua. In January, 1522, Cil Gonzales Davilla, with a fleet of four vessels, sailed from Panama. Having reached the Gulf of Nicoya, Davilla headed a land party and discovered Lake Nicaragua, while Pilot Andres Nino, in one of the vessels, proceeded westward, discovered and named the Gulf of Fronseca, and, it is claimed, entered the Gulf of Tehuantepec.

But the great desideratum of the Spanish government was to find a westward route to the Moluccas or Spice Islands of India. For this purpose, in October, 1515, Juan Diaz de Solis sailed from Spain. He discovered the river La Plata; ascending it, was killed by natives, and his vessels returned to Spain. A year after the return of the ill-fated Solis expedition, Magellan submitted to the Emperor, Charles V., his proposition to reach the Moluccas by sailing westward from Spain.

Fernando Magellan, or, according to his true Portuguese name, Fernao de Magalhaes (entitled to be styled the "First Circumnavigator," though death defeated his completing in a single voyage the world's circumnavigation) had for many years been in the Portuguese service in the East Indies. He had been the associate with Serrano in command of the ships sent out under Abrue for the discovery of the Spice Islands. Soured with his sovereign, and insulted by what he deemed a slight, he entered the service of Spain. Assigned by Charles V. the command of five ships, with the rank of Captain-General, Magellan set sail from Lucar, September 21, 1519, "to find a western route from Spain to the Spice Islands of India."

In October, 1520, he entered the strait now bearing his name. On the 27th of November, 1520, he sailed out into that vast open sea, to which he gave the name Pacific Ocean. Heading northwest, Magellan crossed the equator February 13, 1521, and reached the Ladrone Islands March 6th, from whence he sailed from the Philippines. On the 26th of April, 1521, on the Island of Matan, he was killed in a conflict with the natives. Sebastian del Cano, in command of the Vittoria, one of Magellan's fleet, returned to Spain by way of the Cape of Good Hope, reaching Lucar September 6, 1522. Charles V. received him with great honors, granted to him a globe for his crest, and the motto "Primus circumdediste me." Thus Del Cano, the subordinate of Magellan, completed the first circumnavigation of the globe. His chief had projected the expedition to prove that it could be done. While in the service of Portugal, Magellan had rounded the Cape of Good Hope, and had sailed eastward to those islands, where he met his untimely death. In the two voyages he had traversed earth's entire circumference,—had completed the world's circumnavigation.

The length of the voyage, the difficulties and dangers attending a passage through the Strait of Magellan, prevented any hasty or spontaneous increase of commerce from that great discovery. It doubtless stimulated Spanish navigators to seek shorter and more direct communication between the two oceans. Dominion upon the American hemisphere, and the control of the commerce of the East Indies, were the great objects sought by Spanish adventurers.

In the meantime (1517-1521), Hernando Cortez had conquered and reduced Mexico. Spanish supremacy securely established, he projected an exploration of the adjacent seas and countries.

As early as 1522, in letters to his sovereign, Cortez alludes to three ports on the Pacific coast discovered by him, viz.: Tehuantepec, Tutulepec (about 100 miles west, but in about the same latitude) and Zacatula in eighteen degrees north, where a garrison under Pedro de Alvarado and a settlement had been established. At this port three vessels were immediately ordered to be built for northern discovery and exploration. This enterprise was abruptly suspended by Cortez' departure to Central America to quell an insurrection. Not until 1526 were the vessels completed, at which time they were joined by another from the Strait of Magellan under Guoerra, and ordered by the Emperor of Spain to the Moluccas Islands to relieve a Spanish fleet. Previous to starting in October, 1527, those



HON. GEO. ABERNATHY,
FIRST GOVERNOR OF OREGON TER.

built by Cortez had made a coast voyage under Alvero de Saavedra to Santiago, in Colima, a port discovered three years before by a land expedition under Francisco Cortez. The fleet, under command of Saavedra, safely arrived at the Moluccas Islands. Cortez' purposes are best portrayed in his own letter to the Emperor. They also exhibit the animus of his cotemporaries. He thus announced his object: "The sailing north and then west, and finally south until he should reach India; this would secure the exploration of the South Sea, with its coast and islands, and finding of a northern passage by water from the Atlantic to the Pacific."

"In one of three places where I have discovered the sea, there shall be built two caravels of medium size, and two brigantines, the two former for discovery and the latter for coasting." "In search of the said strait, because if it exists it cannot be hidden to these in the South Sea, or to those in the North Sea, since the former will follow the coast until they find the strait or join the land with that discovered by Magalhaes (India), and the others in the North Sea, as I have said, until they join it to Bacallaos. Thus on one side or the other the secret will not fail to be revealed." Cortez' personal interest and investments laid in the south. These he abandoned to gratify an ambition to discover "the strait," to shorten the voyage between Spain and the Indies, to open direct communication between Spain and the East India Islands, via Mexico. Such discoveries would necessarily add rich islands, coasts and seas to the Spanish Empire.

In 1528, Cortez ordered five vessels to be built, to replace the fleet which had sailed to the Moluccas. These vessels were never completed. Cortez returned to Spain in consequence of complaints against him; the Emperor Charles V. appointed him Captain-General of New Spain, with the title of Marquis of Oaxaca. New Spain embraced a vast area of territory, with Tehuantepec as its port on the Pacific Ocean. In 1530, Cortez, on his return to New Spain, found his authority resisted by Nuno de Guzman, Governor of Panuco (the present province of Tempico), whose jurisdiction had been extended to the Pacific Ocean by the Emperor's grant of the province of Xalisco. The contest with Guzman necessarily suspended Cortez' explorations. Nothstanding these disappointments, these failures of projected enterprises, yet prior to the year 1532, the western coast from Panama to Zacatula had been thoroughly explored; the voyage had been made to Colima; land explorations had penetrated as far northward as San Blas; ship-building had been successfully pursued at several ports on the Mexican coast, and voyages had been made between Mexico and the East Indies.

In 1532, Cortez fitted out an expedition from Tehuantepec of two vessels under command of his kinsman, Diego Hurtado de Mendoza, with instructions to sail northward within sight of the coast and to land at all convenient places. Mendoza reached latitude twenty-seven north, when a mutiny occurred, which obliged him to send back one of his vessels. The returning vessel in great distress reached Culiacan river, and was then deserted by her entire crew. Mendoza, in attempting to reach Acapulco, was wrecked near Cape Corrientes and killed by the natives. His vessel was seized and plundered by Guzman. In 1533, two vessels went in search of the missing vessel, respectively commanded by Hernado Grijalva and Diego Becerra. Grijalva, sailing seaward, discovered the Revilla Gigedo Islands. Becerra followed the coast of Xalisco northward until murdered by his pilot, Ximenas. The mutineers then sailed westward, reaching a coast in latitude twenty-three degrees north, where Ximenas and most of the crew were murdered by the natives. The survivors crossed to Chiametla, a little harbor on the coast of Xalisco, where the vessel was seized by Guzman. Guzman's repeated acts of

hostility provoked Cortez to complain to the Spanish court. Dissatisfied with its decision, he determined to redress his own wrongs. Troops were marched to Chiametla, and three vessels ordered from Tehuantepec. Upon the arrival of the vessels, without having encountered Guzman, Cortez sailed westward to the land on which Ximenas had been murdered, the southern portion of the peninsula of Lower California. On the 3d of May, 1535, he took formal possession of that territory, naming it Santa Cruz. The reports of the wealth of the cities of the interior prompted Cortez to dispatch new expeditions to the California coasts. By the arrival of Don Antonia de Mendoza as Viceroy of New Spain, Cortez had been superseded as Captain-General, but still continued Admiral of the South Sea, by virtue of which rank he claimed exclusive right to project voyages and make discoveries in the North Pacific Ocean or upon the coasts of the South Sea. In 1539, he organized an expedition consisting of three vessels, of which he appointed Francisco de Ulloa commander. Ulloa sailed from Acapulco July 8, 1539, explored the Gulf of California to its extreme head, determined that the outlet before supposed to exist to the north was a great inland arm of the sea penetrating the continent, and that Lower California was a peninsula. Thence, pursuing his voyage southward, he doubled the peninsula and followed the coast northward to Cape Engana, latitude twenty-nine degrees north. From thence Ulloa sent one of the vessels back to Acapulco, and the other sailing northward was never heard of. Ulloa commanded the last of the maritime expeditions fitted out by Hernando Cortez. He projected another, to consist of five vessels, to the command of which he had assigned his son, Don Luis. Mendoza interfered, a quarrel ensued, and in 1540 Cortez departed for Spain, to submit his grievances in person to the Emperor.

In 1539, the Viceroy Mendoza sent Marcos de Niza, provincial of the Order of Franciscans in Mexico, and Honorata, an associate priest, on a tour of exploration into the interior, which had been reported to contain populous and wealthy cities. A year later Niza wrote a glowing letter, asserting the existence of a country north of thirty-five degrees north latitude, abounding in gold, silver and precious stones, inhabited by a more civilized race than the Mexicans. Cibola, the city from which Niza wrote, contained 20,000 large stone houses, four stories high, adorned with jewels. Other cities farther to the north, which he had not seen, were represented as more populous and wealthy. The natives at first were hostile to his coming, but that hostility had been succeeded by a desire to embrace Christianity.

Consequent upon Niza's report, Mendoza organized land and naval expeditions to penetrate to the interior and verify the story. Two ships under the command of Fernando de Alarçon sailed May 9, 1540, arrived at the mouth of the Colorado river in August, ascending it in boats to the distance of eighty-five leagues. Alarçon hearing nothing of wealthy citizens, returned. In his exploration, Alarçon has gone four degrees further north than the latitude reached by Ulloa. Francisco Vasquez de Coronado commanded Mendoza's land expedition. After a march of three months he reached Cibola. He found seven small towns, but none possessing the wealth pictured by Niza. After learning how severely he and others had been deceived by the fabulous stories as to wealthy cities and tribes in the interior, he prosecuted his march, on a tour of exploration, advancing probably to the shores of the Great Salt Lake.

Mendoza, emulating the efforts and fame of his predecessor in discovering new lands and seas, determined upon continuing the examination of the California coast. Two vessels were assigned to the command of Juan Roderiquez de Cabrillo, a Portuguese,

with Bartolomé Ferrelo as pilot. On June 27, 1542, they sailed from Natividad, crossed the Gulf of California, rounded Cape San Lucas, and continued coasting northward, discovered San Diego Bay in September (which Cabrillo named San Miguel), the Bay of Monterey, which he named Bay of Pines, and reaching Punta de los Reyes, latitude thirty-seven degrees ten minutes north, there anchored. From here he was driven in a storm south to the Island of San Miguel as named by him (now Bernardo), where he died January 5, 1543. Cabrillo appointed Pilot Ferrelo to succeed him in the command, and requested that the voyage should be further prosecuted. Ferrelo sailed northward. In forty degrees north, he saw mountains covered with snow, and a cape between, to which he gave the name of Mendocino (1), in honor of the Viceroy. Having reached latitude forty-four degrees north, he headed south for Natividad. The result of this voyage was the determination of the coast line of California to latitude forty-three degrees north.

From the result of land explorations of Coronado, in search of wealthy cities, and the voyage of Cabrillo and Ferrelo, Mendoza had become satisfied that there were no rich cities in the interior, and that there was no strait or water-passage between Mexico and forty-two degrees north latitude from the Pacific into the Atlantic Ocean.

The west coast of North America had been thoroughly examined from Panama northward to Cape Mendocino. No regions had been discovered, the wealth of which tempted the avarice of the Spaniards. With Ferrelo's voyage, explorations of the North Pacific coast was for the time being suspended. In Spanish nomenclature, "Coast of California in the South Sea" was applied to the territory north of Cape San Lucas and extended indefinitely northward. Mexico was known as New Spain. North of Mexico, where discoveries had been made, the whole coast was claimed by Spain under the name of California.

(1) Prof. Davidson, U. S. Coast Survey, says:

"It is generally stated that Juan Roderiquez Cabrillo named this cape in honor of Don Antonio de Mendoza, the Viceroy of Mexico. But the highest latitude he reached was Punta de Los Reyes, to which he in reality applied that name. It is quite probable that under the lee of the rocks of this cape, Ferrelo, the pilot and successor of Cabrillo, anchored in the last of February, 1543, and named Cabo de Fortunas (Cape of Perils), although he places his position in latitude forty-three degrees north. The next day he may have been off Trinidad Head experiencing heavy northerly weather, and his observations might have placed him in latitude forty-four degrees; but with his vessels, adverse currents, and a dead-beat-to-windward, he could not have made a degree of latitude in a day. Here he turned back, passed the Golden Gate March 3d, and reached the Island of Santa Cruz on the 5th." (Davidson's Coast Pilot, p. 97.)

Chapter II.

(1556–1603.)

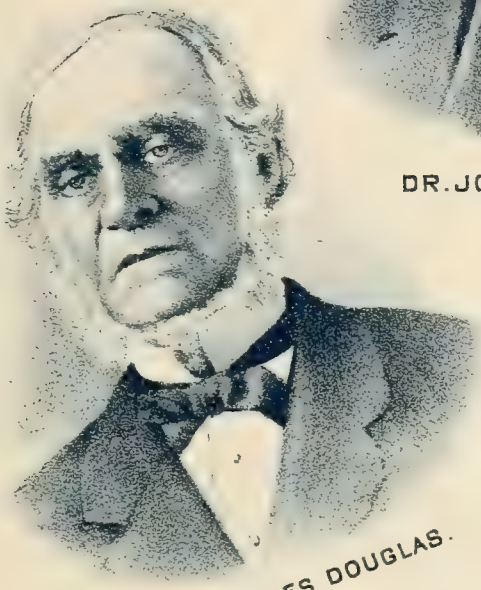
Spain Conquers the Philippine Islands—Urdaneta's Return Voyages Eastward from Manilla to Acapulco—Commercial Voyages Between Manilla and Mexico—Voyages of Francisco de Gali—Cruise of Sir Francis Drake—Takes Possession, Calling the Coast New Albion—Voyages of Thomas Cavendish—Voyages of Vizcaino—Cruise of Martin de Aguilar—Change of Maritime Policy of Spain.

PHILIP II., soon after his ascension of the Spanish throne, ordered Don Luis de Velasco, Viceroy of Mexico, to conquer the Philippine Islands and establish thereon Spanish settlements. Andreas Urdaneta, an Austin friar, whose reputation as a cosmographer stood very high (who in 1527, then a mariner, had sailed with Saavedra on the voyage to relieve Loaisa), was urged to accompany the expedition. Disqualified by his priesthood for a command, he was authorized to name the commanding officer. His choice fell upon Miguel Gomez de Legaspi, upon whom was conferred the title of Governor, with the fullest powers. On the 21st of November, 1564, the expedition, consisting of five vessels and numbering about four hundred men, sailed from Natividad. On the 13th of February, 1565, Legaspi arrived at the Philippines. The islanders resisted, but, after a trifling loss, submitted to the invaders. In April, 1565, he took possession in the name of the Crown of Spain, founded the city of Manilla, on the Island Luzon, and became first Governor of the Philippine Islands. A return voyage eastward from the Indies to the American coast had never yet been made. The belief had existed that, in consequence of the direction of the prevailing winds, it could not be successfully accomplished. Urdaneta had submitted his theories as to the possibility of accomplishing such return voyage before he had been selected to accompany the expedition. The time had arrived to test the correctness of his theories,—to put them into practice.

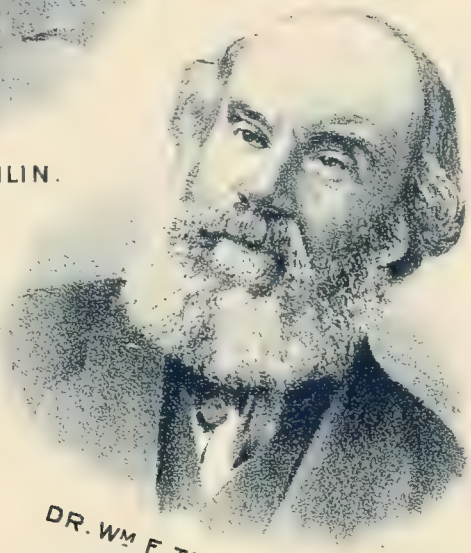
The San Pedro, in which Urdaneta and Father Aguirre, a brother priest, were companion shipmates, with a sixteen-year-old nephew of Legaspi, as nominal captain, left Zebu June 1, 1565, for Acapulco. The vessel sailed east to the Ladrones, thence north to latitude forty-three degrees north, from whence the trade winds bore her safely to Acapulco, at which port she arrived on the 3d of October. The sailing directions and charts of the first return voyage from India to Mexico, prepared by Urdaneta, were followed for many years by the Spanish galleons. The track pursued, long the route from Manilla to Acapulco, was designated Urdaneta's passage. Manilla became the Spanish metropolis of the East Indies; and an important commerce was established. Large vessels sailed at regular intervals from Acapulco for Manilla and Macao, laden with European goods and the products of Mexico, returning with silks and spices for Mexico and Spain. In one of those voyages (on July 4, 1574), as stated in the Hakluyt collection of voyages (purporting to give Gali's own narrative translated from the Spanish), Francisco de Gali "made the coast of New Spain, under seven and thirty degrees and a half." The introduction to the Journal of Galiano Valdez substituted fifty-seven degrees thirty minutes for thirty-seven degrees thirty minutes, upon the authority of a French translation of the Gali narrative from



DR. JOHN McLOUGHLIN.



SIR JAMES DOUGLAS.



DR. WM F. TOLMIE.



STEAMER BEAVER,
FIRST STEAM SHIP TO ROUND CAPE HORN.

PIONEER HUDSON BAY CO'S OFFICIALS AND STEAMER BEAVER.

Hakluyt. Through that erroneous substitution, the Gali voyage became notable. The controversy as to the coast having been settled, the Spanish title by discovery ceased to be a theme of international dispute,—no necessity remained to adhere to the French substitution. So the Hakluyt narrative fixing thirty-seven degrees thirty minutes is now universally accepted.

The value and increasing importance of Spanish commerce were regarded with jealous eye by other European powers. Exaggerated accounts of the wealth of conquered cities and provinces on the Pacific coast were extensively circulated; and adventurous spirits of other nations determined to share in its wealth. Spain relied upon the grant of the sovereign Pontiff to secure to her the unmolested occupancy of her American possessions. England had thrown off allegiance to Rome. Queen Elizabeth "repudiated any title in the Spaniards by donation of the Bishop of Rome to places of which they were not in actual possession; and she did not understand why either her subjects or those of any European prince should be debarred from traffic in the Indies." Francis Drake, a young man, had already distinguished himself in predatory voyages to the West Indies. He had crossed the Isthmus of Darien, looked upon the Pacific, and had made the resolution to sail upon that mighty sea. He proposed to the Queen a voyage into the South Sea, through the Strait of Magellan. No Englishman had yet made such a voyage. Queen Elizabeth favored the project and furnished the outfit. Drake's vessel, named the *Pelican*, 100 tons, the *Elizabeth*, 80 tons, the *Marigold*, 30 tons, with two pinnaces and 166 men, constituted the expedition which sailed December 13, 1577, from Plymouth. The two pinnaces were broken up before reaching the Strait of Magellan, which was entered on the 20th of August, 1578. Before passing through he changed the name of his vessel to the *Golden Hind*. On the 6th of September the *Marigold* parted company and was never heard of afterwards. The *Elizabeth* did not pass through the strait, but deserted Drake and returned to England. Alone in the *Golden Hind*, Drake, on the 25th of September, sailed out of the strait into the open Pacific, and, heading northward, pursued his voyage along the Spanish-American coasts from Chile to Mexico, seizing and sacking defenseless ships and towns. His vessel filled with booty, to avoid encountering Spanish cruisers liable to be met should he return by the Strait of Magellan, Drake sought a northern passage into the Atlantic Ocean. He sailed northward to forty-three degrees north, where, as detailed in the narratives of the voyage, "the men being thus speedily come out of the extreme heat, found the air so cold, that, being pinched with the same, they complained of the extremity thereof." He then steered east, made the coast, and sailed southward in search of a harbor, until the 7th of June, "when it pleased God to send him into a fair and good bay, within thirty degrees toward the line." In this bay (1) Drake remained five weeks, refitted his vessel, and took possession of the country in the name of Queen Elizabeth, calling it New Albion. He then sailed for England by way of the Cape of Good Hope, and arrived at Plymouth on the 27th of September, 1560.

(1) Is this the Bay of San Francisco? Humboldt places Drake's Bay in thirty-eight degrees, ten minutes—the Puerto de Bodega of Spanish maps. Later authorities fixed his port under the lee of Point Reyes, thirty-seven degrees, fifty-nine minutes, five seconds. The adjacent cliffs being white, resembling the coasts of England in the neighborhood of Dover, suggested the name, New Albion. The latitude of San Francisco Bay, thirty-seven degrees, fifty-nine minutes, Drake's continuing in the bay thirty-six days, the white appearance of highlands, warrant the opinion that Drake found that "fair and good bay" inside the Golden Gate. Its entrance was first seen by Ferrello March 3, 1543, who, running down the coast before a strong north wind, saw what he supposed to be the mouth of a great river. Governor Gaspar de Portola, in 1769, made land discovery of the bay. Prof. Davidson, of the U. S. Survey, the best authority, says: "Drake's Bay is the Port Francisco of the Spaniards of about 1595. It was certainly known before the time of Vizcaino, who, having separated from his tender, sought her in Port Francisco; and, according to Venaga's account, to see if anything was to be found of the San Augustine, which, in the year 1595, had, by order of his Majesty and the Viceroy, been sent from the Philippines by the Governor to survey the coast of California, under the direction of Sebastian Roderiquez Cermanon, a pilot of known abilities, but was driven ashore in this harbor by the violence of the wind; and among others on board the San Augustine was the pilot Francisco Valanos, who was also chief pilot of the squadron. This pilot recognized the bay as being that where he was wrecked." (Coast Pilot, p. 77.)

Two narratives were published of this voyage, viz.: "The Famous Voyage of Sir Francis Drake, by Francis Pretty, one of the crew of Drake's vessel, written at the request of and published by Hakluyt, in 1589," and "The World Encompassed, by Sir Francis Drake, collected out of the notes of Mr. Francis Fletcher, preacher in his employment, and compared with divers others' notes that went in the same voyage." According to the "Famous Voyage," the northern point of the American continent seen by Drake was the forty-three degrees north. In "The World Encompassed," forty-eight degrees north is claimed. On this discrepancy very much argument has been caused. Upon its proper settlement very much was thought to depend in the protracted negotiations between Great Britain and the United States as to their respective claims to Oregon Territory. The treaty of June 15, 1846, which recognized the title of the United States to the territory south of forty-nine degrees north, divested the matter of any significance in a political or international view. The contention is very ably maintained by Messrs. Greenhow and Twiss, in their treatises on the Oregon question. Were the expression of an opinion necessary, it would be that the weight of probability and authority establishes that Sir Francis Drake never saw the coast of Northwest America north of forty-three degrees north latitude.

Drake's successful piratical cruise is noteworthy as the second circumnavigation of the globe, the first by an Englishman. It occupied two years and ten months. The Queen long hesitated to recognize the achievements of this renowned freebooter, fearing such recognition might lead to complications with Spain. Finally she honored Drake with knighthood, proclaimed her entire and hearty approval of his every act, and directed the preservation of his cruiser, *Golden Hind*, "that it might remain a monument of his own and his country's glory."

On the 31st of July, 1586, Thomas Cavendish, with three small vessels, sailed from England. He passed through the Strait of Magellan, cruising along the coasts of Chile, Peru and Mexico, burnt and sunk nineteen ships, the last of which was the *Santa Ana*, off Cape San Lucas. He returned to England by way of Cape of Good Hope, arriving September 9, 1588, having made the circumnavigation of the globe in two years and fifty days. It is chronicled that his sailors were clothed in silks, his sails were damask, and his topmast covered with cloth of gold. This cruise was the third circumnavigation; its only contribution to geographic knowledge was the discovery and naming of Port Desire, on the east coast of Patagonia.

The increasing commerce between Mexico and the Philippine Islands demanded a port of refuge on the California coast, in a higher northern latitude. Correct charts for vessels engaged in voyages between Mexico and the East Indies had become a necessity, and required accuracy of knowledge. In 1595, Philip II. ordered Count de Monterey, Viceroy of Mexico, to explore and seize California, and to make an extended and minute survey of the coast from Acapulco to Cape Mendocino. Sebastian Vizcaino was selected for the service. In the spring of 1596, three vessels under his command sailed from Acapulco, crossed the Gulf of California, and attempted to establish a settlement to which Vizcaino gave the name of La Paz in compliment to the natives for their peaceable reception of the expedition. Within the year La Paz was abandoned and Vizcaino returned to Acapulco. When Philip III., who ascended the Spanish throne in 1598, had learned of this result, he issued peremptory commands on the 27th of September, 1599, for the survey of the coast on the ocean-side of the peninsula of California. With the greatest zeal the Viceroy entered upon the duty. The preparations were upon a grander scale than had been previously

made in Mexico. All the requisites for the acccomplishment of the enterprise were liberally supplied. Pilots, priests, draftsmen, soldiers, were engaged, in addition to full crews of selected seamen. Friar Antonio, chaplain to the Admiral and journalist of the expedition, pronounced it the most enlightened corps ever raised in New Spain. To Vizcaino was assigned the command, and upon him was conferred the title and office of Captain-General of California. The fleet consisted of three large ships, the *San Diego*, *San Tomas* and *Tres Reyes*. To Admiral Toribbeo Gomez de Corvan was intrusted the navigation. The fleet, which set sail from Acapulco June 2, 1602, commenced the survey of the coast at Cape San Lucas. On the 10th of November, San Diego was surveyed. On the 16th of December was discovered and named the Bay of Monterey, in honor of the Viceroy. From Monterey, one of the ships was sent back to Acapulco; eighteen days later the other two vessels sailed north. Twelve days after leaving Monterey, the *San Diego* passed Port Francisco; but the smaller vessel having separated, the ship returned to that port to await the arrival of her consort. On the 12th of January, 1603, the ships reached Mendocino. Scurvy had made sad havoc with the crews. There were but six able to be on deck. On the 19th a high headland and snowcapped mountain, in latitude forty-two degrees north, were discovered. It being the eve of St. Sebastian, Vizcaino gave to this cape the name Blanco de San Sebastian (1), the northernmost point reached by Vizcaino's ship. He turned southward, coasted inshore, observing the land, and arrived at Acapulco March 21, 1603.

The smallest vessel, commanded by Antonio Flores, Martin de Aguilar, pilot, doubled Cape Mendocino, and continued north to the mouth of a river forty-three degrees north. Further north than Monterey's instructions had warranted, with a crew hopelessly disabled by scurvy, Flores turned southward for Acapulco.

After his return to Mexico, Vizcaino endeavored to induce the Viceroy to establish colonies. Failing in his efforts, he went to Spain and obtained from Philip III. a grant of these regions, with privilege to establish colonies. His death in 1609 defeated the colonization project.

With the Vizcaino expedition, Spanish exploration of the North Pacific was for the time discontinued. This was a natural result of the condition of affairs rather than attributable to change of policy. New Spain or Mexico was in direct communication with the Spanish East Indies. By the isolation of Mexico, Spain was more likely to remain in the uninterrupted and unmolested enjoyment of her East India trade. If a northwest passage should be discovered, it would but open the door and encourage the entry of piratical cruisers, to pray upon the Spanish commerce of the Pacific. Drake and Cavendish had passed through the Strait of Magellan; other pirates could follow. How infinitely worse for Spanish-Pacific interests and her East India commerce would be a direct channel from the North Atlantic to the Pacific, than the tedious, long and dangerous voyage through the Strait of Magellan. To Spain, the discovery of the northwest passage had at this time ceased to be a desideratum as a promotive of Pacific commerce.

(1) The Cape Orford of Vancouver.

Chapter III.

(1613–1779.)

Cape Horn Discovered by the Dutch—Theories for Effecting Direct Communication Between the Atlantic and Pacific Oceans, or Between Western Europe and the East Indies—Russian and Siberian Voyages in the North Pacific, and Discoveries on the Northwest Coast of America.

UNDER the name of the Southern Company, in 1613, Isaac Le Maire, a wealthy citizen of Amsterdam, associated with himself Captain William Schouten, a native of Hoorn, an experienced navigator. From the States-General of Holland, they secured the privilege of making voyages of discovery. The proposed destination of their vessels was concealed from other merchants and the seamen employed. Schouten (Jacob Le Maire, a son of his partner, accompanying as supercargo) sailed from the Texel, June 14, 1615, in two vessels, the *Eendracht* and *Hoorn*. Both ships reached Port Desire in safety; but in careening the *Hoorn* was burned.

On the 13th of January, 1616, the *Eendracht* sailed southward. On the 20th she passed the latitude of the Strait of Magellan. On the 24th, the easternmost point of Terra del Fuego was made, which Schouten named Statenland. On the 30th he passed the extreme southern cape of South America, and nominated it Horn, or Hoorn, in honor of his birthplace. On February 3d, the greatest southern latitude (fifty-nine degrees, thirty minutes) was reached. Standing northwest, on the 12th, the western outlet of the Strait of Magellan had been passed. This expedition had doubled the continent of South America by a newly discovered route from the Atlantic to the Pacific Ocean. It had determined that vessels could reach the Pacific Ocean without the delay or risk of the passage through the Strait of Magellan. Spanish cities on the western coasts of Mexico, Spanish commerce upon the Pacific, had ceased to be exempt from armed cruisers of nations at war with Spain.

Whether any channel existed by which the voyage from European countries to the East Indies could be rendered less tedious and perilous, than by doubling the Cape of Good Hope or the South American continent, still continued the prominent problem in commerce and navigation.

The construction of a canal across the Isthmus of Suez, between the Red Sea or Gulf of Suez, and the Mediterranean, thence through the Red Sea and Strait of Babelmandel into the ocean, though several times commenced, had as often been abandoned. Equally fruitless has been the project of a canal across the Isthmus of Panama connecting the Atlantic and Pacific Oceans. Abandonment of those schemes was succeeded by other theories for securing directness of communication, viz.: first, from Europe to the Northwest, into the supposed open sea of North America and thence into the Pacific Ocean; second, sailing in a northeast direction into the open sea north of Europe and Asia, through which the North Pacific Ocean might be reached.

In the development of the latter theory, Russian navigators performed the most prominent part. By their voyages was demonstrated a continuity of sea north of Europe



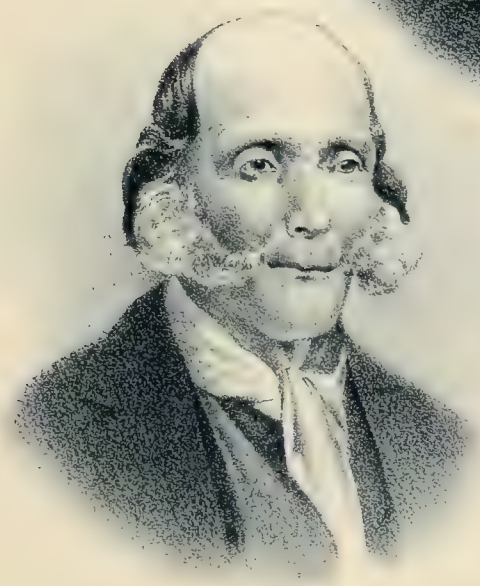
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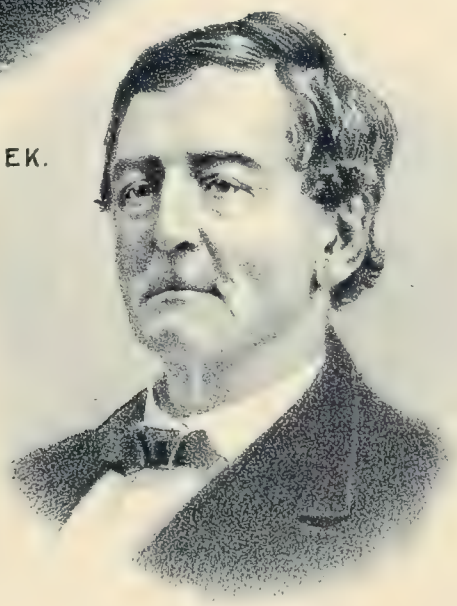
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COL. JOE MEEK.



J. B. GAGNIER.



GEO. W. EBBERT.

PIONEER TRAPPERS AND SCOUTS.

and Asia into the Pacific Ocean, the separation from North America, and the distance between the Eastern and American continents. As early as 1647–8, voyages had been made from the Siberian town of Jakutzk (Yakoutsk, on the river Lena) to the northeastward of Siberia. The isthmus between the Arctic Sea and Gulf of Anadir (then called Tschukotzkoi Noss), had been circumnavigated and the peninsula of Kamtchatka reached. Müller, of the Royal Academy of St. Petersburg, asserts that in 1736 he inspected the records of the town of Jakutzk, and they established beyond doubt that such voyages had been made. The year 1636 marks the commencement of the navigation of the frozen sea eastward from the mouth of the Jakutzk or Lena river. The rivers Jana (Yana), Indighirka, Alasea and Kolyma were successively discovered. The first expedition of the two vessels, under the direction of Isai Ignatief, eastward from the Kolyma river (Kolimskoi) in the year 1646, found the sea full of ice, but a free navigable channel inshore, in which they sailed two days. In 1647, a larger party, in four half-decked vessels, made search for the mouth of the Anadir, but encountering too much ice returned. On the 20th of June, 1648, another expedition, commanded by Samoen Deschnew, rounded the eastern extremity of the land of Tchuktchi (East Cape of modern geography), reached the mouth of the Anadir, and the peninsula of Kamtchatka. As the Anadir river could be reached more expeditiously overland, the further prosecution of these Siberian voyages was abandoned.

In the early part of the eighteenth century (1711), northern Asia (Siberia) and Kamtchatka had been conquered and merged in the Russian Empire. Peter the Great, in the latter part of his reign, devoted his attention to the lately acquired provinces of Eastern Siberia. Scientific men at Petersburg urged that the question should be determined whether Asia and America were separate continents. Peter entered into the solution of the problem with great zeal. He drew up instructions in his own handwriting, and in person delivered them to Captain Vitus Behring, an officer of Danish birth, serving in the Russian navy, whom he had selected to command the expedition. The project of the Czar embraced an examination of the navigation of the whole north coast of Asia, to accomplish which he ordered two vessels to sail forthwith from Archangel to the icy sea. That expedition was barren of profitable result. One vessel was hemmed in by ice and disabled; the other was never heard of after leaving port. The purposes of the Czar as to northeastern discoveries fully appear in the instructions to Captain Behring:

"1. To construct at Kamtchatka, or other commodious place, one or two vessels;

"2. With them, to examine the coasts to the north and toward the east,—to see whether they were not contiguous with America, since their end was not known;

"3. To see whether there was any harbor belonging to Europeans in those parts;

"4. To keep an exact journal of all that should be discovered, with which the commander was to return to St. Petersburg."

On the 25th of January, 1725 (but a few days after Behring had received his instructions), Peter the Great died. On the 5th of February, Empress Catherine, his widow and successor, and the Senate, confirmed Behring's appointment and approved the orders. Behring, accompanied by the officers and crews for two vessels and shipwrights and mechanics, who were to build the vessels, immediately left St. Petersburg, traveling overland to Okhotsk, Siberia. At that place the first vessel was to be built which was to transport the company and their supplies to Kamtchatka, where the second vessel was

to be constructed. From thence the expedition was to sail. In midsummer of 1728 the two ships were ready for sea. The vessel built at Okhotsk was called the *Fortuna*. Behring's vessel, the *Gabriel*, was built at Kamtchatka, and accommodated a crew of forty men with necessary provisions for a year. Behring, in his journal, thus states his instructions: "I was ordered to inform myself, among other matters, of the limits of Siberia, and particularly if the eastern corner of Siberia was separate from America." Tschirikow and Spangberg, both of whom subsequently acquired great reputations, accompanied Behring.

The results of that voyage are thus briefly summed up by its distinguished commander: "On the 14th of July, 1728, we sailed from the river of Kamtchatka, tracing the eastern coast of Kamtchatka towards the north. On the 8th of August we arrived in latitude sixty-four degrees, thirty minutes north, and eight men came rowing towards us in a leather boat. They told us that all the mainland, at no great distance from us, extended toward the west. They said that there was a small island before us, to which we afterwards came. We named it the Isle of St. Lawrence. On the 15th of August we arrived to latitude sixty-seven degrees, eighteen minutes, but we went no farther, because it appeared to me that I had fulfilled the instructions which had been given to me; for beyond we could discern no land to the north, neither towards the east. And besides, if we had sailed farther, and had afterwards found a contrary wind, it would have been impossible for us to have returned in the same summer to Kamtschatka; and it would have been hazarding too much to pass the winter in a country where there is no wood, and in the middle of a people who are under no subjection or rule."

Behring and his officers, fully persuaded that they had ascertained that Asia and America were separate, returned to the river Kamtchatka, where they arrived on the 8th of September. Müller observes, in regard to this voyage: "Our officers frequently heard relations of the inhabitants of Kamtchatka, that were important enough to merit their observation; since, according to them, a country must be at no great distance towards the east, the discovery of which, and following its coasts afterwards, was their duty. They themselves had not observed such great and high waves, as in other places are common in the open sea; they had seen fir trees swimming in the sea, tho' they do not grow in Kamtchatka. Some men assured them that they had seen this nearly situated land, in clear weather, from the elevated coasts of Kamtchatka."

In honor of this voyage, the channel of sea separating the two continents through which Behring sailed is known as Behring's Strait. Behring renewed his voyage on the 5th of June, 1729, laying his course more to the east; but adverse winds prevented his leaving the coast a greater distance than about 200 versts (1). Meeting no land he sailed back, and steered around the south promontory of Kamtchatka, the proper situation and form of which he described in his map, and returned by sea to the mouth of the river Bolschaia, whence he went to Okhotsk, on the 23d of July. He then returned to St. Petersburg, where he arrived March 1, 1730.

A Japanese junk had been stranded July 8, 1829, upon the coast of Kamtchatka. All of the crew except two were murdered by the Kossacks. The survivors found their way to St. Petersburg, and were the occasion of projecting a voyage to Japan. This wreck had established the fact that the sea adjacent to Kamtchatka was navigable through the waters of an intermediate sea (the Pacific Ocean), to the waters surrounding Japan.

1. The Russian verst is about two thirds of a mile or 1167 yards.

While Captain Behring had been engaged in this exploration of the Siberian coast, Col. Schestakow, chief of the Jakutzk Kossacks, proposed to the Russian Empress:

1. To reduce the Tchuktchi to submission to Russian authority;
2. To discover the extent of their country;
3. To undertake the discovery of the land opposite of their country;
4. To examine the Schantarian Isles.

With him was associated Capt. Dimitri Paulutzki of the Dragoons. He had 400 Kossacks under his command with authority to draw reinforcements from the Siberian garrisons. Arrived at Okhotsk he there found the ships *Fortuna* and *Gabriel*. A detachment in command of Ivan Schestakow was ordered to embark on the *Gabriel* with instructions to examine the Schantarian Isles, after which to proceed to Kamtchatka. Col. Schestakow, on the *Fortuna*, sailed for the Gulf of Penschina. She was cast away, and a number of her crew perished. Being reinforced, Schestakow started by land for Penschina with 150 men. His force was surrounded March 14, 1730, by hordes of the Tchuktchi, and he killed with an arrow. Those who were not slain sought safety in flight. Three days previous to the rout of Schestakow, he had sent orders to Krupischew, a Kossack officer at Taviskoi, to equip a vessel, sail around the south end of Kamtchatka, and coast northward to the sea of Anadir. Gwosdew, the surveyor, was instructed to accompany the voyage. In a vessel constructed from the wreck of the *Fortuna*, they put to sea. The knowledge of the results of the Schestakow expedition is very meager.

Müller observes: "We only know that, in the year 1730, Gwosdew, the navigator, was actually between sixty-five and sixty-six degrees of north latitude, on a strange coast situated opposite, at a small distance from the country of the Tchuktchi, and that he found people there, but could not speak with them, for want of an interpreter. De Lisle relates that Captain Paulutzki arrived at the Anadir Sea coast, in September, and about the same time the *Fortuna* arrived with Gwosdew and Krupischew. That Paulutzki, on learning of Schestakow's defeat, ordered the *Fortuna* to sail to the river Kamtchatka, to take on board the remainder of the provisions left there by Captain Behring, and with them sail to the Tchuktchi coast"—these orders were executed in the summer of 1731—"at which time Gwosdew and Krupischew were on the Tchuktchi coast, where they supposed was the Serdze Kamer (a rock so named from its shape having some resemblance to that of a heart). But they did not meet with Paulutzki, nor did they learn any tidings of him. They remained on the Tchuktchi coast till a gale of wind forced them from the point which was the *ne plus ultra* of Captain Behring in his first voyage. They then steered to the east, where they found an island, and beyond it a land very large. As soon as they had sight of this land, a man came to them in a little boat like those of the Greenlanders. They could only understand from him that he was an inhabitant of a large country where were many animals and forests. The Russians followed the coast of this land two whole days to the southward without being able to approach it, when a storm came on and they returned to Kamtchatka. By this navigation was completed the discovery of Behring's Strait." Captain Paulutzki made a land march against the Tchuktchi, overcame them, avenged the death of Schestakow, and triumphantly marched across the peninsula. He then attempted to execute the orders of Schestakow, the ascertaining of the limits of Siberia. But after a four months' march, finding the coast of the Icy Sea unexpectedly take a northerly direction, he abandoned the further examination of the coast-line and turned inland to Fort Anadir. The voyage of Krupischew and Gwosdew created great interest in Europe. The proximity of America to Asia was regarded by the Russians as a most valuable discovery.

On the 17th of April, 1732, the Russian government issued orders "to make voyages as well eastward to the continent of America, as southward to Japan, and to discover if possible at the same time, through the frozen sea, the north passage, which had been so frequently attempted by the English and Dutch." Behring, now a commander,—Spangberg and Tschirikow, captains, were assigned to the service. Müller volunteered to accompany as far as Siberia, to describe the civil history of that region, the manners, customs and traditions of that people. Professors Gmelin, Louis de Lisle de Croyere and Steller were of the scientific corps. While the vessels were being built for voyages to Northwest America, the coasts of Kamtchatka and northwest Asia were thoroughly examined.

In 1738, Captain Martin Spangberg examined the Kurili Islands. In 1739, Spanberg, in the *St. Michael*, Walton, in a double shallop, the *Gabriel* and a small yacht, made the voyage to Japan. The building and fitting out of Spangberg's ship delayed the expedition to Northwest America. Two ships, the *St. Paul* and *St. Peter*, were built at Okhotsk for the voyage of discovery. The smaller vessel was designed for a crew of seventy men. The *St. Paul* was commanded by Behring, the *St. Peter* by Captain Alexer Tschirikow. In September they left Okhotsk to winter in Awatscha Bay. George William Steller, as physician and naturalist, and Louis de Lisle de la Croyere as astronomer, accompanied. They sailed from Awatscha Bay June 4, 1741. The vessels remained in company till the 20th of June, when they separated in a storm. Attempts to find each other having failed, each sailed easterly to reach the American continent. Müller writes:

"Nothing particular happened till the 18th of July, when the captain-commander (Behring), after having given orders for steering more and more northerly, got sight of the continent of America in fifty-eight degrees, twenty-eight minutes north latitude. Captain Tschirikow reached the same coast three days before, viz.: on the 15th of July, in fifty-six degrees north latitude. The coast made by the latter was steep and rocky, and he anchored at some distance from the shore. To examine the country, as well as to obtain a supply of water, Tschirikow dispatched his mate with ten well-armed men. They rowed into a bay behind a small cape, but not returning to the ship after a lapse of several days, it was surmised that the boat might have been disabled. On the 21st of July, the boatswain with six men, including carpenters, together with necessary materials, were sent to their assistance. Neither boat returned. The next day two canoes approached from the land. Expecting the return of their missing companions, all were on deck to greet them. The Indians, as they proved to be, still a great distance off, seeing the Russians so numerous, ceased rowing, stood up, and crying out with a loud voice, 'Agai, Agai!' speedily returned towards the shore. Tschirikow had no more small boats and was unable to approach nearer the shore with the ship. A strong west wind arising, he was compelled to get clear of the rocky coast. He again stood inshore as soon as it was safe, to the place where his men had gone. But he never saw nor heard anything of them. The officers held a council July 27th, and resolved to return at once to Kamtchatka. On the 9th of October they entered Awatscha Bay. Of the seventy men with which they sailed twenty-one had died. M. de Lisle de la Croyere, who had been in a lingering condition, impatient to be landed, fell dead upon the deck on the arrival of the ship in port. Of the fate of the two crews nothing was ever definitely known (1).

1. Chevalier de Poletica Russian Minister at Washington in 1821, in a dispatch to the American Secretary of State, says that, in 1789, the Spanish ship Santiago, commanded by de Arteaga, found, in the latitude fifty-eight and fifty-nine degrees, "Russian establishments to the number of eight consisting in the whole of twenty families and four hundred and sixty-two individuals. These were the descendants of the companions of Captain Tschirikow, who were supposed till then to have perished."



GEN^{L} ISAAC I. STEVENS,
FIRST GOV. WASH. TER.

Behring, in the *St. Paul*, neared the coast with the view of examining it, as also to secure a supply of water. He found that the country had terrible high mountains that were covered with snow. He sailed towards it; but only small, variable breezes blowing, he could reach it no sooner than the 20th of July, when, under a pretty large island, not far from the continent, he anchored in twenty-two fathoms of water and a soft clayey bottom. A point of land which there projects into the sea they called St. Elias's Cape, on account of its being St. Elias day. Chitrow, the master of the fleet, and Müller, went ashore. Empty huts formed of smooth boards were found, in one of which was a small box of poplar and a whetstone on which copper knives had been sharpened. In a cellar to one was a store of dried salmon. Ropes and household furniture were scattered around. Appearances indicated that the natives had suddenly decamped on the approach of the Russians."

Behring's determination was to have followed the coast to the northward, but he found this impossible, as it soon commenced to extend southwest, and "they met with continual hinderances from the islands, which were very thick, almost everywhere about the continent." On the 30th of July Foggy Island was discovered. On the 29th of August they again made the continent, in fifty-five degrees north, and before it found a multitude of islands, between which they anchored. They were called Schumagin's Islands, the name of the first of the ship's company who had died upon the voyage and was there buried. Andrew Hesselberg, pilot of the expedition, was sent to one of the largest of this group in search of water. He returned with two samples, both of which were brackish. The water was almost exhausted; this brackish water might serve for cooking, and thus economize the small supply remaining. Adopted through necessity as better than none, a quantity was taken on ship, and to its use Steller attributed the diseases which afterward so grievously afflicted the crew. Again setting sail westward, a fearful storm was encountered, which continued seventeen days. Occasionally seeing land, but not daring to approach, tempest-tossed for many days, Behring, the gallant commander, hopelessly ill, many of the crew disabled with scurvy and other distempers, the supply of water about exhausted, and the ship almost entirely unfit for continuing the voyage, on the 31st of October they made an island, and (November 5th) secured an anchorage.

Abandoning all hope of reaching Kamtchatka so late in the season, they went into winter quarters. On the 9th of November Commander Behring was carried ashore upon a litter.

He daily grew worse; "the place yielded little of antiscorbutic quality. The herbage that grew on the island was hidden under snow; and, if that had not been the case, the Russians in that part of the world were little acquainted with the value of vegetables as antiseptics." The commodore died on the 8th of December. Müller says: "He was a Dane by birth, and had made voyages both to the East and West Indies. He was a lieutenant in the Russian service in 1707, and captain-lieutenant in 1710. It is a subject of regret that his life terminated so miserably. It may be said that he was almost buried whilst alive, for the sand rolling down almost continually from the side of the cavern or pit in which he lay, and covering his feet, he at last would not suffer it to be removed, saying he felt warmth in it when he felt none in other parts of his body; and the sand thus gradually increased upon him till he was more than half covered, so that when he was dead it was necessary to unearth him to inter him in a proper manner." In honor of Behring, the island where his remains are entombed bears his name,—is his monument.

The *St. Paul* shortly afterwards went to pieces, but the material was carefully saved by the survivors and reconstructed into a small craft, in which they found their way back to Petropaulovski, on the bay of Awatscha. Before their departure from this island, so gloomy in its memories, thirty of the crew had been consigned to the grave. On the 27th of August, 1743, all that remained of the crew of the *St. Paul* reached Kamtchatka after an absence of fifteen months. During much of the time they had suffered the greatest privations. Compelled, while sojourning on Behring's Island, to subsist upon sea animals which there abounded, and to use the skins as a protection against the rigors of the climate, such skins as were preserved and brought by them to Kamtchatka were purchased by the Siberians with great avidity, at handsome prices. The misfortunes and necessities of Behring's crew demonstrated that the North Pacific coast was prolific in most valuable furs. That memorable voyage opened to commerce a new and important feature. It gave origin to the Russian fur trade, to the Russian establishments on the northwest coast,—to the Russian claim to Northwest America, which was limited on the south by the northern line of Spanish discoveries.

Chapter IV.

(1683–1770.)

Spanish Settlements on the Coast of California — Jesuit Missionary Conquest of Lower California — Expulsion of the Jesuits by Charles III. — The Franciscans Establish Missions in Upper California — Inland Discovery and Settlement of San Diego, San Francisco and Monterey — California a Department of Spain, its Northern Boundary Undefined.

THE Spanish government had long been anxious to occupy and establish settlements upon the coast of California. This desire increased with the growing importance of Manilla commerce. Ports of refuge were not only demanded for the vessels engaged in the Philippine trade, but these bays and inlets, so long as they remained unoccupied, proved but so many convenient places of concealment for piratical cruisers infesting the Pacific Ocean to prey upon Spanish galleons returning from the Philippine Islands with their rich East India cargoes. Colonies if established would not only securely perpetuate Spanish dominion over the contiguous inland territories, but would render these bays valuable as harbors. Buccaneers would cease to resort to them as resting places and recruiting stations.

In 1683, an expedition consisting of soldiers, priests and colonists was placed under the command of Don Isidro de Otondo, accompanied by Father Kuhn, a German Jesuit (called by the Spaniards Kino), acting under a special warrant from the King of Spain authorizing the spiritual conquest of California. They sailed up the Gulf of California, distributing themselves at various places on the western side. Kino established his headquarters at La Paz. After three years of mingled success and discouragement, the project was abandoned.

The Viceroy of New Spain then offered the Jesuits an annual subsidy to undertake the reduction of California by the conversion of its native population. This was declined, but the chapter agreed to furnish necessary missionary aid to accompany any expedition or colonization project. Father Kino, though unsuccessful in planting a permanent colony under Otondo's leadership, had dedicated his life to the pious resolution of conquering California for the church. In furtherance of his purpose, he accepted the appointment of Superintendent of Missions of Sonora.

He then secured as a co-laborer Father Salva Tierra, equally zealous with himself. The Fathers preached and exhorted the people, and labored with those in power. In 1697, Salva Tierra was clothed with authority by the Jesuits to raise contributions for the spiritual conquest of California. He enlisted Father Ugarte, professor of philosophy in the College of Mexico, who consented to remain in Mexico and act as agent. Salva Tierra with a small party crossed the Gulf of California, and established the mission of Loreto, on the 25th of October, 1697, and took possession of Lower California in the name of the King of Spain.

In a short time several missions were founded, all of uniform character, consisting of a church, a storehouse and a fort. The Indians were persuaded to labor for their own

maintenance, and to accept instruction from the missionary. The Fathers discouraged any immigation from European countries, thus avoiding any interference with the exclusive management of the missions and the natives surrounding them. Within the first half of the eighteenth century, their establishments extended at convenient distances apart, from the southern extremity of the Gulf of California, along its eastern half, to the mouth of the Colorado. A learned author thus accounts for their success in molding the native population to their wills:

"The Jesuits, superior to the rest of mankind in the art of persuasion, and laboring for themselves, made an incredible progress in their designs. At the end of fifty years, and to the disgrace of the other colonies, the country of the missionaries was filled with villages, the Catholic faith was triumphant, and the savages, civilized and happy, and subject to the wisest of governments. No people on earth were more contented; labor and property were all in common. There were neither rich nor poor, nor dignities, nor great, nor little; there was no inequality whatever, and consequently neither avarice, ambition nor jealously; every one contributed equally his portion of labor, and received an equal remuneration from it. Every village was one numerous family, of which the Jesuit was the father; and the society itself was the mother of this happy republic."

But this very success provoked a jealous suspicion which occasioned their downfall. While they received but little countenance or aid from the government, they brought no revenue, contributed no political strength. Their motives were questioned. It was denied that they were actuated by religion or philanthrophy; and they were charged with being selfish and mercenary. At length the order was accused of "endeavoring to establish an independent empire in America, and that they had actually labored to undermine the authority of the European Sovereigns in Mexico, Peru and Brazil; that no fear of consequences was capable of limiting the extent of its plan; because the society was perpetually renewed, and had never been known to abandon any design which it had once adopted; and that the general of the order had defended moral irregularities on his own responsibility."

In 1767, the royal decree was proclaimed by Charles III., King of Spain, by which the Jesuits were expelled from his dominions. During their ascendency in Lower California, they had acquired a mass of information as to the country, its geography, ethnology, natural history, etc. In 1700, Father Kuhn had determined that Lower California was a peninsula connected with the continent. True, de Ulloa had settled that geographic problem as early as 1540; but it had been forgotten, doubted, denied. The charts before Father Kuhn's discovery delineated the peninsula of California as an island. To it has been ascribed the name Islas Carolinas, in honor of Charles III., King of Spain.

Upon the reception in Mexico of the royal edict banishing all Jesuits from Spanish territory, their establishments, their property, their "Pious Fund" (that grand aggregate of contributions from all sources, the treasury by which they supported their missions), were all transferred to nineteen monks of the Order of St. Francis, of the College of San Fernando, Mexico. Father Junipero Serra was created President of the Missions.

European nations had remained in ignorance of the result of Russian voyages in the North Pacific Ocean until after the return, in 1749, from St. Petersburg to Paris, of Joseph Nicholas de Lisle (1), the eminent French astronomer. In 1750, in a paper read by de Lisle to the French Academy of Sciences, the world had become advised of the

(1) J. N. de Lisle was the youngest and most illustrious of three distinguished brothers. Guillame the eldest, "First Geographer" to King Louis XV, died in 1726. Louis accompanied Behring in 1741, and died the same year, as stated in the preceding chapter. Joseph, the eminent astronomer, geographer and author, died in 1788.



REV. J. S. GRIFFIN.



REV. C. EELLS, D.D.



REV. SAMUEL PARKER.



REV. H. H. SPALDING.



REV. E. WALKER.

PIONEER CONGREGATIONAL MISSIONARIES.

discoveries in Northwest America by Behring and other Russian navigators. To Spain, this intelligence caused great uneasiness. That government had just cause of fear that Russia would push her discoveries southward and encroach upon Spanish claims.

Charles III. at once resolved upon vigorous measures to renew the exploration of the western coast of America, extending voyages to high northern latitudes; to occupy the vacant coasts and islands adjacent to New Spain; to establish settlements for the effectual securing to the Crown of those territories, the coasts of which had inured to Spain by right of discovery.

With this object in view, the "Marine department of San Blas" was organized, to whom was committed the supervision and control of all maritime operations. Don José de Galvez had been appointed, in 1764, to the Council of the Indies. In 1765, as Visitor-General, he was bearer to Mexico of orders from the King. One of those instructions was to rediscover San Diego, and to occupy it and the other harbors on the coast. Galvez was also special agent of the Crown to see that these orders were executed. In Father Junipero Serra, President of the Missions, he found a zealous auxilary in the labor. The Franciscan Fathers were ready to undertake the formation of the settlements. Without delay an expedition by land and sea was ordered. The ships were to transport supplies and heavy articles, the land party to drive flocks and herds to the new settlements. Two vessels, the *San Carlos*, Don Vicente Vila, and the *San Antonio*, Juan Perez, had been supplied from San Blas, and were being equipped at La Paz for the voyage. All were to start at different dates, but San Diego was the common destination. The *San Carlos* sailed first on January 9, 1769. She carried sixty-two persons. She arrived at San Diego on the 1st of May, having lost all of her crew except the officers, cook and one sailor by the scurvy, that terrible scourge in those pioneer voyages. The *San Antonio* followed on the 15th. With a loss of eight of her crew, she reached her port April 11th. A third vessel, the *San José*, sailed from La Paz on the 16th of June, but was never heard of after leaving port.

Galvez selected Gaspar de Portola, Governor of Lower California, Captain of Dragoons, as leader of the land operations. With him was associated a second in command, Captain Fernando Rivera y Moncado, who the fall preceding had made the tour of the northern Jesuit missions, and collected men, provisions and two hundred head of cattle and horses to stock the colonies. On the 24th of March, Rivera, with the first overland party, left the northermost Mission, driving the stock. His party consisted of twenty-five soldiers, six packers and herders, a guide who acted as journalist, and a large number of converted Indians. The party was accompanied by a Franciscan priest. On May 14th Rivera reached San Diego.

Governor Portola, accompanied by Father Serra, with the first party, left the northermost Mission May 15th, and arrived July 1, 1769, at San Diego. Father Serra, with imposing religious ceremonies, took possession of the country in the name of the King of Spain. Thus commenced at San Diego the first white settlement in Upper California. On the 16th, Father Serra established the mission. On the 14th, with a party of sixty-five persons, Governor Portola had started for Monterey to establish that Mission. Passing by Monterey without seeing it, he journeyed northward till the 25th of October, when he reached the bay, to which he gave the name of San Francisco, in honor of the patron saint of the order. Portola's party returned to San Diego, where they arrived January 24, 1770, after an absence of over six months. In March, 1770, Portola again marched northward and found Monterey. On the 3d of June, 1770, the *San Antonio*, with

Father Junipero Serra, arrived; and possession of the bay and adjacent country was taken in the name of the Sovereign of Spain. Portola then returned to Mexico to superintend the formation of colonies for the new settlements.

Upper California, from San Diego to its northern line, between the coast and the mountains, was almost entirely appropriated by the Missions, scattered throughout the country sufficiently near to secure aid in case of an outbreak, but distant enough to form a network embracing the whole region. Each Mission extended to and joined its neighbor. The plan of settlement and construction was uniform. The site for the church and buildings was located in the center of a large tract, generally about fifteen miles square. All land fit for cultivation or grazing became the farm and pasturage of the Mission. The church was built as massive and imposing as the funds would permit; and no pains nor expense were spared in ornamentation. Near to it were the residences of the Missionary Fathers. Close at hand were erected the buildings occupied by farmers, mechanics and employés. All buildings were constructed of adobe, roofed with tiles of the same material. There were also shops, storehouses, granaries and other necessary buildings. At a short distance was the "Rancheria" or quarters for the converted natives who labored for and lived at the Mission. Close by those quarters was the garrison building or castillo, in which were accommodated the guard of six or more Spanish soldiers, but which was also designed as a place of retreat in the event of an outbreak.

In addition to guards and guard-houses to each Mission, presidios were established at the four principal harbors: San Diego (1769), Monterey (1770), San Francisco (1776) and Santa Barbara (1780). These presidios were inclosures from two to three hundred feet square surrounded by an adobe wall twelve feet in height, surmounted by guns. Within the inclosure were the church, storehouses, officers' quarters and barracks. The commanding officer was military governor within his district, bound to assist the missionaries if called upon, but not authorized to interfere with their management. As a means of relief to the government of supplying these presidios with recruits and provisions, pueblos or towns were established in the vicinity of the presidios, in which every settler was entitled to a homestead, a two-hundred vara lot, with privileges of common and timber lands. There were also three independent towns or pueblos,—settlements by the discharged Spanish soldiers who intermarried with the natives. These were Los Angeles, San José and Santa Cruz.

From the inauguration of the settlement by Galvez, in 1769, Upper and Lower California were under the control of a military governor; while the settlements themselves, except the presidios and the few independent pueblos, were purely missionary colonies,—independent religious communities governed by the Father in charge. The two Californias constituted a Department of Spain, its Governor being responsible to the Viceroy of Mexico. The northern boundary as yet was undefined. Spain claimed as far north as her navigators had sailed. Russia was pushing her voyages southward, and interposing a check to further Spanish advance to the north.

Chapter V.

(1774–1779.)

Renewal of Spanish Exploration on the North Pacific — Voyages of Perez, Heceta, Bodega and Arteaga.

IT HAD ever been the policy of the Spanish government to prevent the territories in America adjacent to Spanish dominions, or such as had been discovered by Spanish navigators, from being occupied by subjects of other European powers. In maintaining that policy, difficulties had been engendered between Spain and Great Britain, growing out of the expulsion of British colonists from the Falkland Islands by the Spanish Governor of Buenos Ayres. Spain, under the "family compact," appealed to France to join her in resisting the encroachments of Great Britain. France declined to engage in the controversy, but tendered her good offices as mediator. This offer was accepted, and war averted. But Spain had learned that the necessity existed for the actual dominion of the vacant coasts of North America, or the occupancy at least, in such a manner or to such an extent as to justify the assertion of her right to exclusive possession.

Following the occupancy and settlement by Spain of the Californias, Spanish voyages of exploration to the northern coasts were vigorously renewed. On the 25th of January, 1774, the sloop of war *Santiago* sailed from San Blas, under command of Lieutenant Juan Perez, with Estevan José Martinez as pilot. The orders of the Viceroy of Mexico to Perez were: to sail northward to sixty degrees north; from there to survey the coast southward to Monterey; to land at convenient places, and take possession in the name of the King of Spain. Perez went to Monterey from San Blas, from which port he sailed for the north on the 16th of June. On the 18th of July he made the land in fifty-four degrees north (Queen Charlotte's Island), and named the point Cape Santa Margarita. It is the Cape North of modern geography. He rounded the cape and entered the channel now called Dixon's Channel. Scurvy having appeared among the crew, his vessel small and ill provided, Perez turned southward, coasting along the shore for about one hundred miles, landing and trading with the natives, until driven to sea by a storm. On the 9th of August he again made land, discovered and entered a bay forty-nine degrees, thirty minutes north, which Perez called Port Lorenzo. Its present name is Nootka Sound, the name of the native tribes inhabiting its shores. From Port Lorenzo, Perez sailed south, Martinez the pilot claiming that he saw, between forty-eight degrees and forty-nine degrees north, a wide opening in the land, and that he gave to the point on its south side the name Martinez. In latitude forty-seven degrees, forty-seven minutes north, they beheld a snowcapped peak, to which Perez gave the name of Sierra de Santa Rosalia, the Mount Olympus of our present nomenclature. He passed Cape Mendocino on the 21st of August, determined its true latitude, and on the 27th of August arrived at Monterey. On the strength of this voyage, the Spanish claimed the discovery of the Strait, now called De Fuca; and their charts named as Martinez the Cape Flattery of modern maps. Through some unaccountable oversight, the Spanish authorities for

many years concealed the results of this and the succeeding voyages; as a consequence, navigators of other nations who made voyages subsequent in date to that of Perez have received the honors justly earned by the expedition of Perez.

Upon the return of Perez, Bucarelli, Viceroy of Mexico, ordered another expedition to examine the coasts to sixty-five degrees north. Captain Bruno Heceta was assigned to the *Santiago*. Perez accompanied as ensign. The schooner *Sonora* was to accompany, with Ayala as commander and Maurelle as pilot. The schooner *San Carlos* was to proceed as far as Monterey. The master of the latter having become incapacitated by illness, Ayala took command of the *San Carlos*, and Lieutenant Juan Francisco de la Bodega y Quadra was transferred to the *Sonora*. Leaving the *San Carlos* at San Blas, the *Santiago* and *Sonora* sailed north, and on the 10th of June, in latitude forty-one degrees, ten minutes north, anchored in a roadstead, to which they gave the name Port Trinidad. Here they went ashore, took possession in the name of the Spanish Crown, and spent nine days in repairing their vessels. They planted a cross, which was respected by the natives, and still remained when Vancouver visited the coast in 1793. Leaving Trinidad they next made the land in forty-eight degrees, twenty-six minutes north. They then cruised southward in search of the entrance of the straits, looking for it between forty-seven degrees and forty-eight degrees north, as laid down on Bellin's charts. These examinations proved abortive. On the 14th of July, in latitude forty-seven degrees, twenty minutes north, seven of the crew of the *Sonora*, in her only boat, were sent ashore for fresh water. The men were well armed, but they were outnumbered by the natives and all murdered. The *Sonora* herself was in imminent danger, having been completely surrounded by the savages in their canoes, who made numerous unsuccessful attempts to board her. To this place was given the name Punta de Martires (1); to the island near, Isla de Dolores. This sad occurrence, the unseaworthy condition of the *Sonora*, and the breaking out of scurvy among both crews, induced Heceta to desire to return to Monterey. Perez, Bodega and Maurelle overruled him, and the vessels on July 20th again headed northward. Shortly afterward a storm separated the little fleet. Heceta then turned southward for Monterey, Bodega continuing the voyage northward.

Heceta first made the land August 10th, in latitude forty-nine degrees thirty minutes north. He passed without examination the land visited the year previous by Perez. On the 17th, being near the coast between forty-six degrees, ten minutes and forty-six degrees, nine minutes north, he discovered a great bay, the head of which he could nowhere recognize. From the currents and eddies setting him seaward he could not enter it. He believed it the "mouth of some great river, or a passage to another sea." At night the force of the current set him far out to sea, and defeated his further examination. To the northern headland he gave the name Cape San Roque; to the southern, Cape Frondosa; to the bay, Ensenada de San Roque; the supposed river he nominated Rio de San Roque. In compliment to Heceta, the bay is named by Spaniards Heceta's Inlet. Heceta reached Monterey August 30th, with two-thirds of his crew disabled by scurvy.

Bodega and Maurelle, after parting from Heceta, pushed out to sea, first reaching the land August 16th, in latitude fifty-six degrees north. By Bellin's chart they had supposed themselves to be about one hundred and thirty-five leagues off the American coast. Heading east, they discovered a mountain in fifty-seven degrees, two minutes north, which they named San Jacinto (the Mount Edgecombe of Cook). The projecting land which it

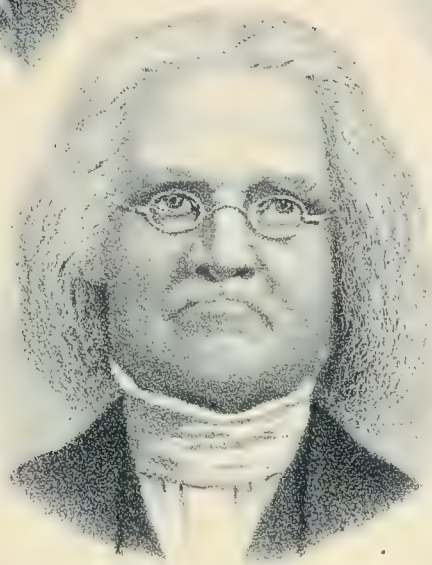
(1) Captain Berkley, twelve years later, in the *Imperial Eagle*, met with similar treatment of a boat's crew, and bestowed upon the island close at hand the name of Destruction Island. The Point of Martyrs is known as Point Grenville.



REV. J. L. PARRISH.



REV. A. F. WALLER.



REV. DAVID LESLIE.



REV. GUSTAVUS HINES.



REV. J. H. WILBUR.

PIONEER METHODIST MISSIONARIES.

occupied they named Cape Engano. The bay which flanked this cape on its north side was called Port Remedios (Captain Cook named it the Bay of Islands). The south bay was named Port Guadalupe. It is now known as Norfolk Sound. They anchored in Port Remedios, landed, and in the name of his Spanish Majesty took possession of all those northern seas and territories. On the 20th, the voyage was resumed; and, coasting north until the 22d, they had reached fifty-eight degrees north. They then headed southward, and on the 24th discovered an extensive bay on the west side of the largest island of the Prince of Wales Archipelago, in latitude fifty-five degrees, thirty minutes north. This they named Port Bucarelli, in honor of the Viceroy of Mexico. At Cape Santa Margarita, they observed the channel to the north, to which they gave the name of Perez Inlet, in honor of its discoverer the previous year. On the 3d of October, they discovered a bay in latitude thirty-eight degrees north, on which Bodega bestowed his own name. Having surveyed this bay, they sailed to Monterey, and thence to San Blas, where they arrived November 20th, after a cruise of over eight months.

Upon the results of this voyage becoming known in Madrid, they were regarded as of the greatest importance. Orders were sent to the Viceroy of New Spain to have the survey of the American coasts completed by the same officers. Viceroy Bucarelli at once ordered a large ship to be built at San Blas, named *Princesa*, and another called *Favorita* to be built at Guayaquil. The time consumed in building delayed the departure of the expedition until the first of the year 1779. Heceta being occupied with other duties, the command of the *Princesa* was given to Captain Ignacio Arteaga. Bodega, with Maurelle as pilot, commanded the *Favorita*. On the 7th of February, the expedition sailed from San Blas directly for Port Bucarelli, where they arrived early in May. The surveying of the bay, refitting the vessels and trading with the natives occupied nearly two months, during which the adjacent shores were surveyed with great care. On the 1st of July they proceeded northward. Approaching near the land in a few days, Mount St. Elias became visible. Then commenced a search westward for the northern passage into the Arctic Ocean. Early in July, they entered an archipelago sixty degrees north, the largest island of which was named Magdalena (1). The bay itself was named Ensenada de Regla (2). On its western side was a good harbor, in which the ships anchored on the 25th; and possession of the adjacent seas and lands was taken in the name of the Spanish King. The harbor itself was called Port Santiago. From here boats were dispatched to explore the surrounding islands and shores. Scurvy now made its appearance; provisions were becoming short, and no success attended their search for a passage to the north. Arteaga determined on returning to Mexico. On the 7th of August, the expedition left Santiago, entered San Francisco October 15th, and arrived at San Blas November 21st. Fleurien observes as to the results of this expedition: "They might have remained at San Blas without knowledge in geography having sustained any loss by their inaction." The voyage is notable as the last made for several years by the Spanish from Mexico to the northern coasts of America. War having been declared between Spain and Great Britain, in 1779, for the time suspended exploration.

(1) This Island was named by Captain Cook Montague's Island.
(2) Prince William's Sound, as nominated by the English.

Chapter VI.

(1776–1779.)

Great Britain Turns Attention to Discoveries on the Northwest Coast of America — Voyages of Captain James Cook — British Assertion of Claim to Discovery by Sir Francis Drake of New Albion — Captain Cook Denies Existence of Strait of Fuca — Murder of Captain Cook, Succeeded in Command by Captain Clerke — Death of Captain Clerke — Lieut. Gore, a Native of Virginia, in Command — Sails to China with Collection of Furs — Growing Importance of Fur and East India Trade.

SINCE the cruises of Drake and Cavendish in the latter part of the sixteenth century (1579–1587), preying upon Spanish commerce upon the Pacific Ocean and pillaging defenseless cities on the coast of Mexico (to neither of which can be attributed meritorious claim as voyages of discovery or exploration), Great Britain, absorbed with the establishment and government of her Atlantic colonies, had not participated in the development of the geography or resources of the western coast of North America. That nation now zealously entered the field, resolved to compensate for past indifference and inactivity.

On the 6th of July, 1776, that greatest of geographers and circumnavigators, Captain James Cook, was placed in command of two ships, the *Resolution* and *Discovery*. His instructions were to make his way to the Cape of Good Hope, and thence by way of New Zealand and Otaheite, and, having refreshed his crews, to run directly for the Pacific coast of North America. "You are to fall in with the coast of New Albion in latitude forty-five degrees north. You are to put into the first convenient port to recruit your wood and water, and then to proceed northward along the coast as far as to the latitude of sixty-five degrees north or further, if not obstructed by land or ice, taking care not to lose any time in exploring rivers or inlets, or upon any other account until you get into the before-mentioned latitude sixty-five degrees north, where we could wish you to arrive in the month of June." "On his way thither (to New Albion) not to touch upon any part of the Spanish dominion on the Western continent of America, unless driven to it by some unavoidable accident, in which case he was to stay no longer than should be absolutely necessary, and to be very careful not to give any umbrage or offence to any of the inhabitants or subjects of his Catholic Majesty (Spain); and if in his further progress northward he should find any subjects of any European prince or state, upon any part of the coast which he might think proper to visit, he was not to disturb them or give them any cause of offence, but on the contrary to treat them with civility and friendship."

In the summer in which Cook was to reach Northwest America, the British Admiralty dispatched Lieutenant Young in the brig *Lion* to the western coast of Baffin's Bay on the Atlantic side of the continent, with instructions to reconnoiter the west shore of that bay and find if there was any westward passage therefrom, with a view to co-operate with Captain Cook, who, it was supposed, would be seeking for such a passage at about the same time from the opposite side of America. If both succeeded, there would be a likelihood of their meeting, and the place, it was conjectured, would be in a sea to the north of the continent of North America.

These instructions of the Cook expedition of 1776 are full of interest. They exhibit the thought of that age, the standpoint in that eventful year, of progress in geographical knowledge. The most enlightened scientists, the best informed as to lands and seas which had been theretofore visited by navigators, continued to regard as probable the existence of the Strait of Anian, or, to speak more accurately, a passage across the North American continent from ocean to ocean. To verify such theory or forever dispel it, England now sent her most intrepid sailor, the foremost scientific navigator of the world, on that memorable voyage. In a political view, these instructions are of still more weighty import. England for the first time had announced her interest in a region on the Pacific coast nominated New Albion. That nation had elevated a piratical cruise to a voyage of discovery, upon which is indicated basis of intention to maintain territorial claim. The policy is clearly foreshadowed, that, by a private piratical venture made two centuries before, national right has accrued to occupy the coast which Drake called New Albion. Nor is the very important concession of rights based upon discoveries inuring to Spain and to Russia, less worthy of notice, especially to the former power, regarding the territory south of forty-five degrees north. Still, whether as to Spain or any other nation, it is apparent that thenceforth English claim by right of discovery is assumed to have attached north of forty-five degrees north latitude, by virtue of the piratical cruise in 1578 of Sir Francis Drake.

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Captain Cook sailed from Plymouth, England, July 12, 1776, in the ship *Resolution*, accompanied by the *Discovery*, Captain Clerke. George Vancouver, whose name shortly subsequent became identified with these regions as its first thorough explorer, was a midshipman on Captain Cook's ship. Having visited the group of islands to which he gave the name of Sandwich, in honor of his patron, the Earl of Sandwich, First Lord of British Admiralty, from thence, on the 18th of January, 1778, Cook sailed northeastward, and upon the 7th of March, in latitude forty-four degrees, one minute, two seconds north, came in sight of the Pacific coast of North America. Adverse winds forced his ship southward to forty-three degrees north, when he again headed northward, but thick weather prevented tracing a continuation of the coast; so that between Cape Foulweather, forty-four degrees, fifty-five minutes north, and Cape Flattery, forty-eight degrees, fifteen minutes north (both so named by Captain Cook), the expedition obtained but few glimpses of the coast. The latter-mentioned cape was the Point Martinez of the Spanish charts, named in honor of the pilot of Perez, who discovered it in 1774. Cook gave it the name of Flattery because the prospect of land near it had given the doubtful promise of a harbor.

The distinguished geographer, afterwards Admiral Burney, who was in the *Discovery*, says: "We were near Cape Flattery on the evening of the 22d of March; and a little before seven o'clock, it growing dark, Captain Cook tacked, to wait for daylight, intending to make close examination; but before morning a hard gale of wind came on, with rainy weather, and we were obliged to keep off the land."

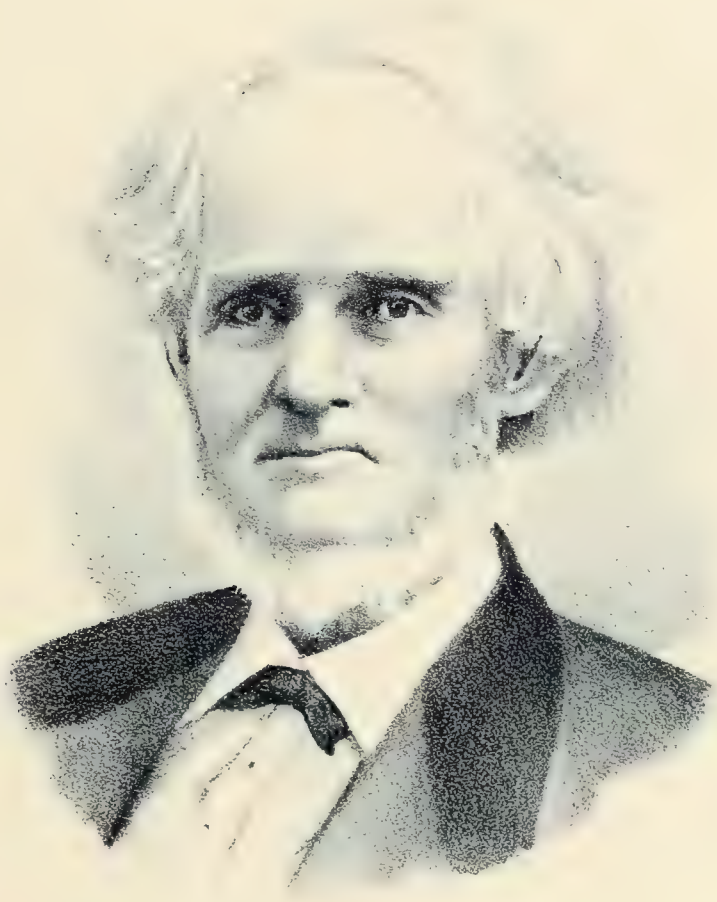
Both ships at the time needing repairing in the lower rigging, and a resupply of water, compelled the seeking of a port. Cook stood away in the night and failed to see the entrance of the Strait of Fuca. So failing to find it south of forty-eight degrees, he denied its existence. On the 29th of March, the vessels arrived at Friendly Cove, Nootka Sound (the Port San Lorenzo of Perez). Cook named it King George's Sound; but the native name has adhered to it. Here they remained at anchor until the 26th of April, when they set sail for the northward, and during the remainder of that season made a

thorough examination of the northwest coast of America, the northeast coast of Asia, passed through and determined the breadth of Behring's Strait, sailing as far north as seventy degrees, forty-four minutes north. He made an extended examination of the Arctic Sea, in which he sailed in both directions until his further advance was prevented by ice. Then, turning southward, he carefully surveyed the Aleutian group of islands. On the 7th of October, whilst anchored in the harbor of Sanganoodha, John Ledyard of Connecticut first gave evidence of the enterprise and daring which later in life rendered him so famous as an intrepid traveler. He was corporal of marines in the *Resolution*. Captain James Burney, the distinguished chronologer of "Northeastern voyages of discovery, and the early navigation of the Russians," thus narrates the incident:

"A present of salmon baked in rye flour, accompanied with a note in the Russian language, was delivered to each of the captains, brought by two natives of Oonalaska from a distant part of the island. Ledyard volunteered to return with the messengers to gain information. Captain Cook accepted his offer, and sent by him a present of some bottles of rum, wine and porter, and a wheaten loaf, with an invitation to his 'unknown friends.' Ledyard embarked in a small baidar, which was a light skeleton wooden frame covered with whale skin. It was paddled by two men, for each of whom there was a circular opening in the upper part of the baidar to admit of their being seated; and the lower end of their skin jacket or frock was then closely fastened to the rim of the opening to prevent the entrance of water, and they appeared, as it were, hooped in. There was no opening for their passenger Ledyard; and previous to their both being seated he was obliged to dispose himself at his length, or, as seamen might express it, to stow himself fore and aft, in the bottom of the baidar between the two. The space allotted to him neither in height nor breadth exceeded twenty inches. The length of the voyage performed by Ledyard, pent up in this slight bark, I understood to be twelve or fourteen miles. At the end of two days he returned to the ship, being better accommodated in his voyage home than out, and in company with three Russian traders. These and other Russians who came to us afterwards communicated their charts, which gave information concerning many islands in this sea. They also mentioned that an expedition had been made in the icy sea with sledges, in the year 1773, to some large islands opposite the river Kolyma."

Shortly subsequent, as Captain Burney states, Captain Cook left Oonalaska for the Sandwich Islands as a place of refreshment for the ship's companies, and where the stock of provisions could be recruited to enable him to undertake another expedition to the north.

"The ships reached Owyhee, the largest of the Sandwich group, late in November, remaining near it until the middle of January, 1779,—all the time under sail, having found no convenient anchorage. In the meantime they had discovered a number of small islands of the same group, adjacent to Owyhee. The natives in canoes had daily visited the ships, bringing provisions. On the 17th of January, a bay on the west side of Owyhee, named Karakokooa, was discovered, in which the ships anchored. Captain Cook, desiring to examine other islands of the group before sailing northward, sailed from the Bay of Karakokooa on the 4th. On the 8th, while yet in sight of Hawaii, the foremast of the *Resolution* was ascertained to be so defective as to require immediate repair. As the other islands had afforded no good harbor, Captain Cook returned to Karakokooa Bay, in which port he again anchored upon the 11th. His return occasioned great dissatisfaction to the natives, which they manifested by numerous petty annoyances. On the night of the 13th the cutter of the *Discovery* was stolen by them. Captain Clerke being too ill to go ashore,



GEN^{L} JOSEPH LANE,

AT THE AGE OF 78.

Captain Cook in person visited the native King, Terecboo, and demanded the return of the stolen boat. The programme was that the King should visit the ship, and be detained on board until the restoration of the property. Terecboo had accepted the invitation to return to the ship with Captain Cook. Directions had been given to the crews of the guard-boats not to interfere with the small canoes, but to prevent the departure of any large boat from the bay. This order was intended if necessary to make reprisal, and thus force the return of the ship's stolen cutter. While the King was waiting, ready to accompany Captain Cook to his ship, a large canoe attempted to pass out of the bay. She was ordered by the guard-boats to return; but, continuing on her course, the crew fired over her to bring her to. This shot unfortunately killed one of the native chiefs. One of King Terecboo's wives, learning of the catastrophe, rushed up to the King, and with wails of lamentation clung to him and prevented his getting into the ship's boat. Captain Cook, who had hold of his hand, now left him and walked toward his boat to return to the ship, as there was too much excitement to accomplish any settlement. The natives surrounded him; and, in the struggle, Captain Cook and four of his men were killed."

Thus ignobly perished the illustrious James Cook, of whom it was justly said: "No other navigator extended the bounds of geographical knowledge so widely as he did." His surveys and determinations of latitude and longitude are extremely accurate. He introduced and practiced a system of sanitary regulations preserving the health of the crews, and thereafter removed the dread which had till that time attached to long voyages. "Along the northwest coast of America he effected more in one season than the Spaniards had accomplished in two centuries. Besides rectifying many mistakes of former explorers, he ascertained the breadth of the strait which separates Asia from the New World,—a point which Behring had left unsettled. Passing the Arctic, as he had crossed the Antarctic circle, he penetrated farther than any preceding navigator; and as more than half a century had expired without a nearer approach being made to the southern pole than he had achieved, a like period elapsed before our knowledge of the American coast was extended beyond the point which he had attained." He forever exploded the theory of the Strait of Anian or the existence of any northwest passage across the northern part of the continent of North America. His labors created a new era in geographic science. Not content with discovering new continents, islands and seas, he delineated the figure of their coasts, and determined their latitude and longitude with an accuracy which the appliances of modern discovery and improvement have only verified.

On the death of Captain Cook, the command devolved upon Captain Clerke. The ships continued among the Sandwich Islands until the middle of March, when they sailed north, anchoring at Awatscha Bay, April 30th. The expedition arrived in Behring Strait, July 5th. They passed through the strait, and reached the latitude of sixty-nine degrees, twenty minutes north; when, being hemmed in by floating ice, their farther advance to the north was defeated. On the 27th, all further attempt was relinquished, and the ships bent their course southward, repassing Behring Strait on the 30th. On the 23d of August, two days before reaching Petropaulovski, Captain Clerke died. Lieut. Gore, a native of Virginia, succeeded to the command. The season being too far advanced to attempt any farther northward exploration that year, it was deemed advisable to suspend operations. The expedition therefore sailed for China, reaching Canton in December. The arrival at Canton of the *Resolution* and *Discovery*, with a small collection of furs from the northwest coast of America, demonstrated the great avidity of the Chinese for their purchase. So anxious were that people to acquire them, that they were ready at almost any sacrifice to

exchange the wares and commodities of the commerce of their own country. As a direct consequence of this visit of Lieut. Gore to China, a new feature of the fur and East India trade was developed, vastly increasing its profits and importance. The enterprise or method of trade to be inaugurated was the collection of furs in Northwest America, their transportation to China, there to be exchanged for silks, teas and other China goods and products, which in turn were to be shipped to Europe. This result, flowing directly from that memorable voyage, which added to the accurate information of the North Pacific coast and fur-producing countries, revolutionized Pacific commerce, and the trade with China and the East Indies. A new element had been interjected. The impetus given to the fur trade by the market in China and the East Indies, and the necessary expansion of Chinese commerce, may well be regarded as among the most important of the many benefits which resulted from the third voyage of the world's greatest circumnavigator. The northwest coast of America became the field to which European nations turned their attention.

This voyage is notable because of its distinguished leader and his tragic fate. The programme exhibits the first avowal that the value of the territory had become appreciated by the British government—that it is British policy to incorporate it into the British Empire. It constitutes the first act projected by British authority participating in its exploration, looking to its settlement or development. It clearly indicates British animus to acquire British foothold on the North Pacific. That a circumnavigator so distinguished should have visited these coasts, perpetuating the evidences of that visit and his examinations, by the names he conferred upon these headlands of the coast observed by him, render this voyage one of the most important in the prehistoric annals of the region. Captain Cook saw no portion of the western coast of America in these latitudes, which had not previously been seen by Perez, Bodega or Heceta. In high northern latitudes he availed himself of the reports of previous Russian voyages; yet his examinations are so minute and reliable, correcting so many previous errors, that, as a contribution to the world's knowledge, the value of his labor is incalculable.

His claim as mere discoverer may be challenged, or even denied. Yet to him must be awarded the honor of first making known, rendering appreciable to the world and reducing to actual shape, the crude, imperfect and erroneous data attempted to be laid down on previous charts. He determined the distance between important points on the Asiatic and North American coasts, and approximately ascertained the extent of the two continents. He forever dissipated the theory of an alleged northwestern water passage. Voyages thereafter to the coast were to be in the pursuit of commerce, the wealth of which had been demonstrated by the Cook expedition. Spanish, Russian and other navigators had contributed to the world knowledge of lands and seas. The western coast of North America had found its place upon the map. Its coast line had been traced, and some of its harbors, bays and islands been superficially examined. At most, these lands and seas had been only visited. North of California, no attempt at occupancy or settlement had been made except the Russian establishment in 1763 on the Island of Kodiak, near the entrance of Cook's Bay.

Chapter VII.

(1785-1796.)

The Nootka Treaty between Spain and Great Britain, and the Events Culminating Therein — Nootka Sound the Resort for Vessels Engaging in the Fur Trade — The King George's Sound Company — Voyages of Portlock and Dixon — The Latter Discovers the Channel Separating Queen Charlotte's Island from the Continent — Meares and Tipping on Northwest Coast Under License of East India Company — Voyages of Meares Under Portuguese Flag — Makes Settlement at Nootka, and Builds Schooner Northwest America — Arrival at Nootka of American Vessels Washington and Columbia — Martinez Seizes Iphigenia and Northwest America — Arrival of Princess Royal and Argonaut — Martinez Seizes Them — Difficulties Between Spain and Great Britain — The Nootka Treaty, or Convention of the Escurial — Arrival at Nootka Sound of Captain Vancouver, British Commissioner, to Receive Restitution of Property of British Subjects — Unsuccessful Negotiations Between Senor Quadra and Vancouver — Final Restitution to British Subjects of Seized Property — Spain and Great Britain Abandon Nootka Sound.

THE principal harbors of the northwest coast of America resorted to by vessels engaged in the fur trade were Nootka, Norfolk and Prince William's Sounds. Nootka had become the rendezvous and usual port of departure of vessels laden with return cargo. At these ports collections of furs were concentrated, preparatory to shipment to China or the East Indies, there to be exchanged for the commodities of Eastern Asia, which, in turn, were shipped *via* Cape of Good Hope, or Cape Horn, to European or American ports.

The British government had granted to the South Sea Company a license of commerce and trade in all seas and countries westward of Cape Horn, excluding all other British subjects. The British East India Company had secured a similar license in the regions east of the Cape of Good Hope. By these grants, all British subjects, except the two companies, had been restricted from engaging in commerce in all the seas, territories and islands in that vast portion of the world lying between the Cape of Good Hope eastward to a line drawn north and south through Cape Horn, or, *vice versa*, westward from the meridian of Cape Horn to the meridian passing through the Cape of Good Hope. British subjects who desired to engage in Pacific commerce, in the fur trade on the northwest coast of America, or in the China or East India trade, were obliged to obtain permission of the one or the other of these companies.

In 1785, a mercantile association was formed in London, styled the "King George's Sound Company." Its purposes were the procurement of furs on the northwest coast of America, exchanging them for the commodities of the East Indies or China and shipping the latter to Europe. Permission having been granted by the South Sea and East India companies, the "King George's Sound Company" fitted out a voyage to the northwest coast of America, *via* Cape Horn. The expedition consisted of the ships *King George* and *Queen Charlotte*, respectively commanded by Captain Nathaniel Portlock and George Dixon. They sailed in August, 1785, and reached Cook's river in July, 1786.

The East India Company, by the Governor-General of India, had granted permission to Lieutenant John Meares, British navy (on leave), to make a venture in Northwest America in the *Nootka*, commanded by himself, accompanied by the *Sea Otter*, Captain Tipping. Under the East India Company's flag, Meares and Tipping sailed from Calcutta in March, 1786. The *Sea Otter* arrived and left Prince William's Sound before Meares had arrived, in September. Meares never met Tipping; the *Sea Otter* and all on board were lost off the Kamtchatkan coast. The *Nootka* spent the winter at Prince William's Sound. Captain Meares returned to China in the fall of 1787.

During the summer of 1787, Captain Dixon in the *Queen Charlotte* cruised along the coast, and demonstrated by sailing through the channel, now called Dixon's Channel, in honor of its discoverer, that the land between fifty-two degrees and fifty-four degrees north latitude, theretofore supposed to be the continent, was an island. To this island he gave the name of Queen Charlotte's, after his vessel. In the fall of 1787, Portlock and Dixon sailed for China. Before their departure the *Princess Royal* and the *Prince of Wales*, of the King George's Sound Company, respectively commanded by Captain Colnett, of the British navy (on leave), and Captain Thomas Hudson, had arrived at Nootka Sound.

The Chinese government required excessive port charges from vessels of all European nations, except the Portuguese (1). To evade such exaction, several British merchants residing in India, who desired to pursue the fur trade on the northwest coast of America and exchange furs in China, in the latter part of 1787 associated themselves with and used the name of Juan Cavalho, a Portuguese merchant. Through the intimacy of Cavalho with the Governor of Macao, this association of merchant-proprietors secured permission for the ships *Felice* and *Iphigenia* to sail under the Portuguese flag to the northwest coast of America. The expedition was intrusted to the command of Captain Meares in the *Felice*, Captain William Douglas, master of the *Iphigenia*. The papers of both vessels were made out in Portuguese, and in the name of Portuguese captains. Don Francisco Joseph de Viana accompanied the *Iphigenia*, and is referred to as second captain by Meares in his memorial to the British government, in the year 1788, complaining of the Spanish authorities at Nootka Sound.

This enterprise in its inception was divested of all claim to British nationality, notwithstanding Meares, its intended and real commander, held a commission in the British navy. The merchant-proprietors fraudulently concealed their nationality, and thereby forfeited their rights as British subjects in the conspiracy to defraud the Chinese government of the payment of port charges, for which as British subjects they would have been liable. Neither could they as British subjects have lawfully engaged in such commerce, violating as it did the Crown grant to the East India Company. But no claim as English subjects was then intended to have been made by the merchant-proprietors. It was a Portuguese voyage, under the Portuguese flag; and by the letter of instructions of December 24, 1787, of the merchant-proprietors, all doubt is removed as to the national character which must be ascribed to this adventure. It was alike hostile to English as to Russian or Spanish authority.

Those instructions will be found at length, appended to the memorial of Captain Meares. In them the following occurs:

"Should you, in the course of your voyage, meet with any Russian, English or Spanish vessels, you will treat them with civility and friendship, and allow them, if

(1) In 1785, Captain James Hanna, an Englishman, had made a very successful voyage under the Portuguese flag to the North Pacific, by permission of the Governor of Macao. Exempt from Chinese port charges, the voyage had proven very profitable.



BISHOP BLANCHET.



FATHER DE SMET.



ARCHBISHOP BLANCHET.



FATHER BROUILLET



BISHOP DEMERS.

PIONEER CATHOLIC MISSIONARIES

authorized, to examine your papers, which will show the object of your voyage. But you must, at the same time, guard against surprise. Should they attempt to seize you, or even carry you out of your way, you will prevent it by every means in your power, and repel force by force. You will, on your arrival in the first port, protest before a proper officer against such illegal procedure, and ascertain as nearly as you can the value of your cargo and vessel, sending such protest, with a full account of the transaction, to us in China.

"Should you, in such conflict, have the superiority, you will then take possession of the vessel that attacked, as also her cargo, and bring both, with the officers and crew, to China, that they may be condemned as legal prizes, and their crews punished as pirates."

Meares, in his instructions to Captain Douglas, reiterates this direction: "If they are of superior force, and desire to see your papers, you will show them, should they be either Russian, English, Spanish or any other civilized nation. Force is to be used if it can be successfully; and he is strictly charged to have as little communication with them as possible." The *Iphigenia* sailed directly for Cook's river, where she continued trading during the summer. The *Felice* sailed directly for Nootka Sound, where she arrived May 13, 1788. On the 25th, Mazuilla, or Maquinna, chief of the native tribe, granted to Meares "a spot of ground in his territory, whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance in forwarding our works, and his protection of the party who were destined to remain in Nootka during our absence. In return for his kindness, and to insure a continuance of it, the chief was presented with a pair of pistols." On the 28th, the house was completed and occupied, and the building of the schooner *Northwest America* commenced. Everything being in readiness for the voyage down the coast, Captain Meares interviewed Maquinna regarding the portion of crew who were to remain at Nootka. Maquinna agreed with Meares to "show every mark of attention and friendship to the party we (Meares) should leave on shore; and, as a bribe to secure his attachment, he was promised that, when we finally left the coast, he should enter into full possession of the house and all the goods and chattels thereunto belonging." Such is the character of the first establishment upon the coast, as given by Captain Meares, its founder. It was a mere temporary shelter and stockade for the purposes of defense, reverting to the native chief who granted the privilege of its erection as soon as the grantees should take their departure. This was the first attempt at a settlement on the northwest coast of America, south of the Russian settlements.

The statement of these transactions, with the *animus* of their projectors and the actors employed, is essential to the due understanding of the events which were their natural and necessary consequence. These acts of Captain Meares and his associates were assumed by the British government as the legitimate enterprise of British subjects, entitled to national recognition and justification. Indeed, they mark the initiation of territorial claim by the British Crown for these coasts and the adjacent territory.

Leaving a crew at work upon the schooner, Captain Meares occupied the summer in a voyage of exploration down the coast, returning to Nootka on the 27th of August.

The *Iphigenia* soon after arrived. By Meares' instructions to Captain Douglas, that vessel was to spend the summer months on the northern coasts, and meet him at Nootka Sound about the 1st of September. It having been determined that the *Iphigenia* and *Northwest America* should continue upon the coast, the furs collected were transferred to the *Felice*, which sailed September 28th for Macao.

On the 17th of September, the American sloop *Washington*, Captain Robert Gray, arrived at Nootka, followed shortly by the American ship *Columbia*, Captain John Kendrick. October 27th, the *Iphigenia* and *Northwest America* sailed for the Sandwich Islands. The two American vessels remained at Nootka Sound that winter and all the next summer.

These voyages of the fur traders occasioned great uneasiness to Spain. The acts of the Russians were the most serious cause of alarm. The latter had crowded their settlements to the southward. The apprehension that Russian traders would attempt to form an establishment at Nootka Sound had occasioned the Spanish government to remonstrate with the Russian Emperor against the encroachment of Russians upon the possessions of Spain, which were claimed to extend as far north as Prince William's Sound, latitude sixty-one degrees north. In 1789 the Viceroy of Mexico, with the purpose of anticipating and preventing occupancy of Nootka Sound by traders of other nations, had dispatched Martinez and de Haro, in the ships *Princesa* and *San Carlos*, with instructions to occupy that port. Martinez was to take possession of it as Spanish Territory, by right of discovery by Perez in 1774. Russians and English were to be treated with proper courtesy; but the formation of an establishment prejudicial to the claim or interests of Spain was to be resisted.

The *Princesa* reached Nootka on the 5th of May, 1779, and was joined by the *San Carlos* on the 10th. When the Spanish vessels arrived, the American ship *Columbia* was in the sound, at a place called Mahwinna; the *Iphigenia* was anchored in the bay. Martinez demanded the papers of both vessels, and their explanation for being at anchor in Nootka Sound, apprising them that it belonged to the King of Spain. The captain of the *Iphigenia* (Viana) replied that he had put there in distress, and was waiting the arrival of Captain Meares, in the *Felice*, who was daily expected. This answer satisfied Martinez. But, having learned that the *Ipigenia* sailed under orders to capture any Russian, Spanish or English vessel she was able to capture, he seized her. Martinez, however, being advised that the orders were intended to apply only to the defense of the vessel, released the *Iphigenia* and her cargo, and generously furnished her with necessary supplies from his own ship. On the 8th of June the *Northwest America* returned from a cruise and was seized by Martinez the next day.

While these events had been transpiring, Cavalho (whose name served as a cloak to confer Portuguese nationality upon these voyages, and to remove British national character from the ships *Felice* and *Iphigenia*, whereby China could be defrauded and the East India Company's exclusive grant evaded) had become bankrupt.

The merchant-proprietors, as a matter of necessity, had combined their interests with the King George's Sound Company. By the new arrangement, the *Felice* had been sold, the *Prince of Wales* returned to England, the ship *Argonaut* was purchased, Colnett, late of the *Princess Royal*, was put in command, and the *Princess Royal* was transferred to Captain Hudson. To Captain Colnett was assigned the charge of the enterprise. In the instructions to him, the *Iphigenia* and *Northwest America* were henceforth placed under his orders, and were to engage in trade on account of the company. Captain Douglas was to return in the *Argonaut*, and to transfer to Colnett the *Iphigenia* and *Northwest America*. "We also authorize you to dismiss from your service all persons who shall refuse to obey your orders, when they are for our benefit; and in this case we give you to understand, the *Princess Royal*, *Northwest America*, or other small craft, are always to continue on the coast of America. Their officers and people, when the time of

their services are up, must be embarked upon the returning ship to China. On no account whatever will we suffer a deviation from these orders." Captain Colnett's instructions were further "to establish a factory to be called Fort Pitt, for the purpose of permanent settlement, and as a center of trade around which other stations may be established."

The *Princess Royal* arrived first at Nootka, and was not molested by the Spanish commander. On the 2d of July the *Argonaut* was about entering the bay, when Captain Colnett, being advised of the seizure of the *Iphigenia* and the *Northwest America*, at first declined to enter with his ship, but changed his resolution. A day or two afterwards Captain Colnett called on Martinez. He informed the Spanish governor that he intended to take formal possession of Nootka Sound in the name of Great Britain, and hoist the British flag; that, in conjunction with Captain Meares and other gentlemen at Macao, a colony was to be established and a fort to be erected. To this the Spanish governor replied: "That possession had already been taken in the name of Spain, and that his orders and presence there were to prevent such acts as he (Colnett) contemplated, and that they would not be allowed." Colnett then asked if the Spanish commander would prevent him from building a house in the port. Martinez consented to the erection of a tent, to wood and water, after which Colnett was at liberty to depart in his vessel when he pleased. The English captain replied that such was not his intention, but that he was there to build a blockhouse, erect a fort and settle a colony in the name of Great Britain. Martinez answered that Colnett's vessel was not a national vessel of Great Britain, not under its flag, nor was he (Colnett) authorized to transact business of that nature. Colnett plead his commission to the British navy. Martinez replied: "You are on leave, and in the merchant service, and the commission secures you no consequence." After which an altercation occurred in the cabin of the *Princesa* between Captain Colnett and Martinez. The next day the Spanish commander ordered the seizure of the *Argonaut*, and the arrest of Colnett and his crew. The *Princess Royal* soon after returned, and she also was seized. Both vessels were sent to San Blas as prizes. The American vessels in the harbor of Nootka were not interfered with by Martinez. These events becoming known in Europe, Spain complained to the British government of the encroachment upon her rights of territory; and England haughtily demanded of Spain immediate reparation for the insult to her flag. The King of Great Britain, May 5, 1790, in a message to Parliament, communicated a detail of those acts, and asked for an augmentation of the army and navy, "to put it in his Majesty's power to act with vigor and effect in support of the honor of his Crown and the interests of his people." On the 4th of June, 1790, the King of Spain published a declaration "to all the other courts of Europe," temperately reciting the rights of territory of the Spanish government "to the continents and islands of the South Sea." It states, in conclusion: "Although Spain may not have establishments or colonies planted upon the coasts or in the ports in dispute, it does not follow that such coast or port does not belong to her. If this rule were to be followed, one nation might establish colonies on the coast of another nation, in America, Asia, Africa and Europe, by which means there would be no fixed boundaries,—a circumstance evidently absurd."

"But whatever may be the issue of the question of right, upon a mature consideration of the claims of both parties, the result of the question of fact is, that the capture of the English vessels is repaired by the restitution that has been made, and the conduct of the Viceroy; for, as to the qualifications of such restitution, and whether the prize was lawful or not, that respects the question of right yet to be investigated; that is to say, if it has

been agreeably to, or in contradiction to, the treaties relative to the rights and possessions of Spain. Lastly, the King will readily enter into any plan by which future disputes on this subject may be obviated, that no reproach may be upon him as having refused means of reconciliation, and for the establishment of a solid and permanent peace not only between Spain and Great Britain, but also between all nations."

Such being the attitude of Spain, negotiations commenced between that nation and Great Britain. Mr. Alleyne Fitzherbert, the British Ambassador at the Court of Madrid, claimed:

"Such full and adequate satisfaction as the nature of the case evidently requires." Count de Blanca, the Spanish Minister of State, on the 13th of June, presented to Mr. Fitzherbert the memorial of the Court of Spain, in which, having recited the stipulation prescribed by the Treaty of Utrecht, "that Spain should never grant liberty or permission to any nation to trade to, or to introduce their merchandise into, the Spanish-American dominions, nor to sell, cede or give up to any other nation its lands, dominions or territories, or any part thereof," Count de Blanca boldly claims: "The vast extent of the Spanish territories, navigation and dominion, on the continent of America, isles and seas contiguous to the South Sea, are clearly laid down and authenticated by a variety of documents, laws and formal acts of possession in the reign of King Charles II. It is also clearly ascertained, that notwithstanding the repeated attempts made by adventurers and pirates on the Spanish coasts of the South Sea and adjacent islands, Spain has still preserved her possessions entire, and opposed with success those usurpations, by constantly sending her ships and vessels to take possession of such settlements. By these measures, and reiterated acts of possession, Spain has preserved her dominion, which she has extended to the borders of the Russian establishments in that part of the world." The memorial then refers to the affairs in Nootka harbor. Mr. Fitzherbert, for the British government (June 16), after requiring that matters at Nootka should be put in their original state, adds: "As certain acts have been committed in the latitudes in question by vessels belonging to the Royal Marine of Spain, against several British vessels, without any reprisals having been made, of any sort, on the part of Great Britain, that power is perfectly in the right to insist, as a preliminary condition, upon a prompt and suitable reparation for these acts of violence; and, in consequence of this principle, the practice of nations has limited such right of reparation to three articles, viz.: the restitution of the vessels; a full indemnification for the losses sustained by the parties injured; and, finally, satisfaction to the sovereign for the insult offered to his flag. So that it is evident that the actual demands of my court has, far from containing anything to prejudice the rights or dignity of his Catholic Majesty, amounted to no more, in fact, than what is constantly done by Great Britain herself, as well as other maritime powers, in similar circumstances. Finally, as to the nature of the satisfaction which the Court of London exacts on that occasion, and on what your excellency appears to desire some explanation, I am authorized, sir, to assure you, that if his Catholic Majesty consents to make a declaration in his name, bearing in substance that he had determined to offer to his Britannic Majesty a just and suitable satisfaction for the insult offered to his flag, such offer, joined to the promise of making restitution of the vessels captured and to indemnify the proprietors, will be regarded by his Britannic Majesty as constituting in itself the satisfaction demanded; and his said Majesty will accept of it as such by a counter-declaration on his part."

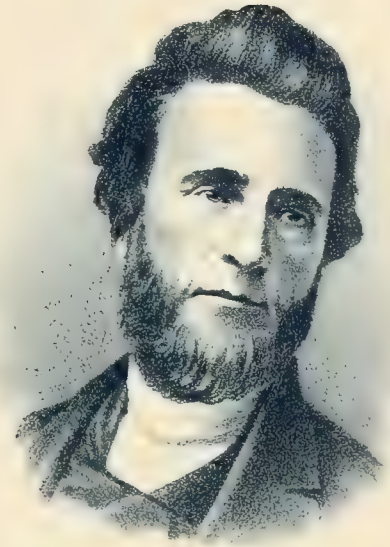
Under date of June 18th Blanca replies: "I cannot give my consent to the principles laid down in your last letter; as Spain maintains, on the most solid grounds, that the



BISHOP SCOTT.



REV. JOHN McCARTY, D.D.



REV. St MICHAEL FACKLER.



REV. J. R. W. SELLWOOD.

PIONEER EPISCOPALIAN MISSIONARIES.

detention of vessels was made in a port, upon a coast, or in a bay of Spanish America, the commerce and navigation of which belongs exclusively to Spain, by treaties with all nations, even England itself. The principles laid down cannot be adapted to the case. The vessels detained attempted to make an establishment at a port where they found a nation actually settled; the Spanish commander at Nootka having, previous to their detention, made the most amicable representations to the aggressors to desist from their purposes."

"However, that a quarrel may not arise about words, and that two nations friendly to each other may not be exposed to the calamities of war, I have to inform you, sir, by order of the King, that his Majesty consents to make the declaration which your Excellency proposes in your letter, and will offer to his Britannic Majesty a just and suitable satisfaction for the insult offered to the honor of his flag, provided that to these are added either of the following explanations:

"1. That in offering such satisfaction the insult and the satisfaction shall be fully settled, both in form and in substance, by a judgment to be pronounced by one of the Kings of Europe, whom the King, my master, leaves wholly to the choice of his Britannic Majesty; for it is sufficient to the Spanish monarch that a crowned head, from full information of the facts, shall decide as he thinks just.

"2. That, in offering a just and suitable satisfaction, care shall be taken that, in progress of the negotiation to be opened, no facts be admitted as true but such as can be fully established by Great Britain with regard to the insult offered to her flag.

"3. That the said satisfaction shall be given on condition that no inference be drawn therefrom to affect the rights of Spain, nor the right of exacting from Great Britain an equivalent satisfaction if it shall be found, in the course of the negotiation, that the King has a right to demand satisfaction for the aggression and usurpation made on the Spanish territory, contrary to subsisting treaties."

The proposition to refer the subject to a European Sovereign being declined by Great Britain, the required declaration was made July 24th, by the Spanish Minister of State, which Fitzherbert accepted, and filed a counter-declaration. Up to this stage, neither the Royal message, the speeches in Parliament, nor the correspondence or statements of the British negotiator, make the slightest allusion to a claim by Great Britain of any right of territory, nor any denial of the sovereignty so persistently avowed by Spain. On the 16th of June, Spain appealed to France to assist her in resisting the power of Great Britain, should war ensue out of these matters. On the 6th of August the National Convention of France passed a decree stating that "France will observe the defensive and commercial engagements which the French government have previously contracted with Spain."

Hope being abandoned of assistance from France, the negotiations proceeded and terminated, October 28th, in the Nootka Treaty, or Convention of the Escurial. By its provisions, the buildings and tracts of land on the northwest coast of America, of which British subjects had been dispossessed in 1789, by Martinez, were to be restored. Reparation was to be made for all acts of hostility or violence subsequent to April, 1789. British subjects were to be re-established in possession of property and vessels of which they had been dispossessed. Just compensation was to be made to them for the losses which they had sustained by the acts of the Spanish officer. A right in common was secured to the subjects of both nations to navigate the Pacific Ocean and the South Seas or to land on places on the coast thereof not already occupied, to carry on commerce with the natives, and to make settlements with the following restrictions: The King of

Great Britain engaged to prevent navigation or fishery in those seas being made the pretext for illicit trade with Spanish settlements. No British subject was to navigate or carry on a fishery in said oceans within ten sea leagues of any part of the coast occupied by Spain. When settlements were made by subjects of either power, free access to, and full privilege to trade, were confirmed without molestation. Such was the treaty of Nootka. Belsham, the British historian, thus comments upon these transactions, this negotiation and treaty:

"By the treaty of 1763, the river Mississippi, flowing from north to south, in a direct course of 1,500 miles, was made the perpetual boundary of the two empires; and the whole country to the west of that vast river belonged to his Catholic Majesty by just as valid a tenure as the country eastward of the river to the King of England. Exclusive of the recent and decisive line of demarcation, by which the relative and political rights of both nations were clearly ascertained, the Spanish Court referred to ancient treaties by which the rights of the Crown of Spain were acknowledged in their full extent by Great Britain."

Having referred to the British refusal to arbitrate, Belsham proceeds:

"No assistance being had from France, Spain, yielding to necessity, complied with the harsh demands for restitution and indemnification; and at length, on the 28th of October, 1790, a convention was signed at Escurial by which every point in dispute was conceded to Spain. The settlement of Nootka was restored, free navigation and right of fishing in the South Pacific were confirmed to Great Britain; a full liberty of trade, and even of settlement, was granted to all the northwest coast of America, beyond the most northerly of the Spanish settlements, unaccompanied, however, by any formal renunciation of their rights of sovereignty."

These transactions are of vital historic moment, as they afterwards became prominent features in the adjustment of the limits of coast and territory inuring to the respective claimants. As the United States of America afterwards succeeded to whatever rights Spain had acquired to Northwest America, it is interesting to learn how, if at all, Spain had become divested by the Nootka Treaty of territorial claim upon the North Pacific coast.

The British government appointed Captain George Vancouver commissioner to receive the property recited in the first article. With that leading object, an expedition was intrusted to his command.

Vancouver sailed from England January 6, 1791, in the ship *Discovery*, accompanied by the brig *Chatham*, Lieutenant Robert Broughton. On the arrival of Captain Vancouver at Nootka August 28, 1792, he found the Spanish commissioner, Bodega y Quadra, in command. Negotiations commenced on the 30th and continued till the 18th of September. Señor Quadra finally offered to surrender the land actually occupied by British subjects in 1789, the Spanish settlement at Nootka to continue until the decision of the English and Spanish governments had been obtained. This was the extent of Quadra's powers,—of his concessions. Captain Vancouver demanded "Nootka in toto, and Clayoquot or Port Cox. The former is the place which had been occupied by British subjects; from thence their vessels were sent as prizes, and themselves as prisoners to New Spain. This is the place that was forcibly wrested from them and fortified and occupied by the officers of the Spanish Crown. This place, therefore, with Clayoquot or Port Cox, were comprehended under the first article of the convention, and were by that treaty to be restored without any reservation whatsoever; on these terms and on these only could he receive restitution of them." Quadra was inexorable and would consent to nothing except to place Vancouver in possession. He utterly refused to make formal surrender of the territory or any claim

thereto of Spain. Vancouver adds: "He would not entertain an idea of hoisting the British flag on the spot of land pointed out by Señor Quadra, not extending more than one hundred yards in any direction." And so the Quadra-Vancouver negotiations ended without practical result. The territory was not surrendered. Captain Vancouver was never put in possession of Nootka harbor and the adjacent coast; not even the "small spot of ground," for the use of which, while the party should be building a schooner, Captain Meares had presented to Maquilla, the native chief, a pair of pistols.

Notwithstanding their unsuccessful negotiations, the social relations between these two illustrious navigators were of the most friendly character. Vancouver relates "that on the 5th September, after a pleasant joint excursion to Friendly Cove, Quadra earnestly requested him to name some port or island after both to commemorate the meeting and the very friendly intercourse that had taken place. Conceiving no spot so proper for this denomination as the place where we had first met, which was nearly in the center of the tract of land that had first been circumnavigated by us, forming the southwestern side of the Gulf of Georgia and the southern side of Johnstone's Strait and Queen Charlotte's Sound, I named that country the island of Quadra and Vancouver, with which compliment he seemed highly pleased."

The two commissioners, in the hope that more specific instructions might be received, arranged to meet again at Monterey, in Mexico. Vancouver had determined on sending the *Chatham* to England with advices as to the failure of settlement. But Señor Quadra generously offered Lieutenant Broughton a passage in his ship to San Blas, and thence to secure him a transit across Mexico, thereby materially hastening the journey to London, which Vancouver accepted. The *Chatham* remained on the coast, Lieutenant Puget succeeding to command. On reaching England, Lieutenant Broughton was dispatched to Madrid, and upon his return was assigned to the sloop *Providence*, with orders to proceed to Nootka and receive the possessions due to the British subjects under the first article of the Nootka Treaty. Broughton arrived at Nootka on the 17th of March, 1796, but found the place deserted by the Spanish. By letters left, he was informed that the restoration had been made March 28, 1795, "agreeably to the mode settled by the two courts." Lieutenant Broughton then departed from Nootka. Lieutenant Pierce of the marines was the English officer to whom the restoration had been made, General Alava representing the Spanish government. In the letter to the Duke of Portland, April 25, 1795, Lieutenant Pierce, after stating that the fort at the entrance of the harbor had been dismantled and the ordnance placed aboard the Spanish ships, writes:

"Brigadier-General Alava and myself then met, agreeably to our respective instructions, on the place where formerly the British buildings stood, where we signed and exchanged the declaration, and counter-declaration, for restoring those lands to his Majesty, as agreed upon between the two courts. After which ceremony I ordered the British flag to be hoisted, in token of possession; and the General gave directions for the troops to embark." Such is the British version of the Spanish surrender at Nootka Harbor. The contents of the exchanged declaration and counter-declaration, for restoring those lands to his Majesty, there is no means of ascertaining. After the unsuccessful negotiations between Vancouver and Quadra had been communicated to their respective governments, it would seem that both nations agreed that neither should assert exclusiveness of title to the territories of the North Pacific; that question as to the sovereignty of the territory had been reserved; and that matters at Nootka were intended to have been placed in their original state. The vessels and property seized by Martinez had been restored;

and the sum of two hundred and ten thousand dollars had been accepted as reparation for damages growing out of his acts. Whatever surrender General Alava had made to Lieut. Pierce was merely a matter of ceremony. Certain it is, no concession was at that time made by Spain of her territorial claim upon the northwest coast. Belsham, who never apologizes for his country's wrong-doing, who believes that history should censure, where deserved, thus forcibly characterizes this temporary yielding to might:

"But though England, at the expense of three millions, extorted from the Spaniards a promise of restoration and reparation, it is well ascertained: first, that the settlement in question never was restored by Spain, nor the Spanish flag at Nootka ever struck; and, secondly, that no settlement had been subsequently attempted by England on the California coast. The claim of right set up by the Court of London, it is therefore plain, has been virtually abandoned, notwithstanding the menacing tone in which the negotiation was conducted by the British Administration, who cannot escape some censure for encouraging these vexatious encroachments on the territorial rights of Spain."

In 1796, Spain declared war against Great Britain, and never afterwards made any attempt to reoccupy Nootka Sound. Whether such war abrogated the Nootka Treaty, and reinstated in their original condition territorial rights claimed to have been regulated or acquired under such treaty, are questions which have been greatly discussed. Those unsettled questions of international law upon which publicists have so widely differed were divested of all political significance by the Treaty of Limits of June 15, 1846, between the United States, assignee of the Spanish title, and Great Britain. As Nootka is in the territory which was ceded to Great Britain by the United States, it is of no real moment whether Lieut. Pierce was invested by General Alava with the territory surrounding Nootka Sound, or whether he received only a possessory title to the spot upon which they stood, the spot of ground Maquilla had granted to Meares for a temporary shelter, while his crew built the *Northwest America*. With Broughton's brief visit to Nootka Sound terminated the visits of the English. No more acts were ever performed by any British subjects, or attempted within the harbor or upon its adjacent soil, as a result of the Nootka Treaty, or of the ceremony in which Lieut. Pierce and General Alava participated. Great Britain never acquired, much less exercised, any territorial rights over Nootka Sound or the adjacent territory by virtue of the first article of the Nootka Treaty, which reads:

ARTICLE I. It is agreed that the buildings and tracts of land situated on the northwest coast of the continent of North America, or on islands adjacent to that continent, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said Britannic subjects.



WM. CAMERON Mc KAY, M. D.

PENDLETON, OR.

Chapter VIII.

(1787–1792.)

Strait of Juan de Fuca Discovered — Examinations of Strait by Meares, Gray, Kendrick and Spanish Navigators — Vancouver's Survey of Strait, Admiralty Inlet, Puget Sound and Gulf of Georgia — Discovery of Columbia River — Trade of North Pacific Coast Exclusively Enjoyed by American Vessels — Tragic Fate of Crew of Ship Boston — National Character Ascribed to Several Portions of North Pacific Coast — Termination of Coastwise Voyages of Discovery — Coast Between Forty-three and Fifty-five Degrees Latitude Claimed by Spain, Great Britain and United States.

WHILE the events which led to and grew out of the Nootka Treaty had been transpiring, discoveries and explorations of especial interest were being made in the seas and inland waters adjacent to Nootka Sound.

In the year 1786, La Perouse, the illustrious French navigator, was on the northwest coast. The expedition consisted of the frigates *L'Astrolabe* and *La Boussole*. Its purpose was the exploration in the Pacific and examination of the coasts of America, China, Japan and Tartary. It sailed from Brest August 1, 1785, doubled Cape Horn and journeyed thence to northwest America, where it arrived June 23, 1786. La Perouse sailed southward August 9, 1786, and thoroughly examined the coast from Mount St. Elias to Monterey, where he arrived September 14, 1786. In latitude fifty-eight degrees he discovered and named Port des Français, in which harbor the vessels remained about six weeks. He forwarded his charts and notes from Petropaulovski, but they were not published until 1798, by which time later voyages of navigators had superseded the names given by La Perouse. On the 7th of February, 1788, La Perouse, from Botany Bay, advised the French Minister of Marine of his future movements, which was the last intelligence ever received from the French expedition.

In 1787, Captain Berkley, in the *Imperial Eagle*, an Austrian East Indiaman, had arrived at Nootka. During the summer he examined the coast as far south as forty-seven degrees north latitude. He discovered the entrance of the strait on the south shore of Vancouver Island. To him belongs the honor of having ascertained the existence of the strait afterwards named Juan de Fuca. Continuing southward, he reached the Isla de Dolores of the Spanish charts. Dispatching a small boat to the same shore in quest of fresh water, the crew were all murdered by the natives. As a memorial of their sad fate, he named the island opposite to the mouth of the stream Destruction Island.

During the next winter (1787-8), Captain Berkley communicated to Captain Meares of Macao, that the outlet of the strait had been observed by him, but that he had not attempted an entrance or examination. In 1788, Captain Meares again arrived upon the northwest coast. Having left a small party at Nootka building the schooner *Northwest America*, Captain Meares sailed southward in the *Felice*, on the 11th of June, on a voyage of exploration. On the 29th, he made a limited examination of the strait south of Vancouver Island. He described the entrance as twelve or fourteen leagues broad.

"From the mast-head it was observed to stretch to the east by north, and a clear, unbounded horizon was seen in that direction as far as the eye could reach." He attempted frequent soundings, "but could procure no bottom with one hundred fathoms of line." Says he: "The strangest curiosity impelled us to enter this strait, which we will call by the name of its original discoverer, Juan de Fuca." Subsequently, Mr. Duffin, his first officer, with a party, explored the strait some fifty miles, determining the port of San Juan. Meares sailed southward to examine the so-called mouth of the Rio de San Roque of Heceta. On the 5th of July, he discovered the entrance of the bay which he named Shoalwater. To the north point he gave the name Cape Shoalwater, now called Toke Point. After searching for the entrance of the river San Roque, his conclusion was thus stated: "We can now with safety assert that there is no such river as St. Roc exists, as laid down on the Spanish charts." He further attested his deep-seated convictions that no river entered the ocean in that vicinity by naming the promontory north of the bay Cape Disappointment. The bay itself he nominated Deception Bay. Disappointed and deceived, he continued his cruise southward to latitude forty-five degrees north; and, upon the 26th of July, he headed northward, arriving at Nootka on the 27th of August.

In 1787, Joseph Barrel, a prominent merchant of Boston, projected a voyage of discovery and commerce to the northwest coast of America. In this enterprise Samuel Brown, Charles Bulfinch, John Derby, Crowell Hatch and John M. Pintard, all citizens of the United States, became associated. Two vessels, the ship *Columbia*, Captain John Kendrick, and the sloop *Washington*, Captain Robert Gray, were equipped and provided with assorted cargoes for trade with the natives. They sailed from Boston October, 1787; and their arrival at Nootka in September, 1788, has already been incidentally mentioned.

In 1789, in a summer voyage from Nootka down the coast, Captain Robert Gray, in the *Washington*, entered the Strait of Juan de Fuca and "sailed through it fifty miles in an east-southeast direction, and found the passage five leagues wide." In returning to Nootka, he met the ship *Columbia* in the strait, ready for sea, bound for China. Captain Gray transferred to the *Columbia;* Captain Kendrick exchanged to the sloop, and wintered upon the coast. The *Columbia* sailed to Canton, where Gray exchanged his furs for a cargo of tea, with which he arrived at Boston August 10, 1790, *via* Cape of Good Hope. To him belongs the honor of having commanded the vessel first to circumnavigate the globe under the national standard of the United States of America. In the fall of 1789, after parting with the *Columbia*, Captain Kendrick, in the sloop *Washington*, sailed through the Strait of Juan de Fuca. Steering northward, he passed through some eight degrees of latitude, and came out into the Pacific Ocean, north of latitude fifty-five degrees north.

The waters adjacent to Nootka Sound continued to be explored by Spanish navigators while Spain remained in occupancy of Nootka. An expedition, consisting of the ship *Conception*, Lieutenant Francisco Elisa, the *San Carlos*, Fidalgo, and the *Princess Royal* (the *Princess Royal* captured from Captain Colnett), commanded by Manuel Quimper, fitted out by the Viceroy of Mexico, sailed from San Blas February 3, 1790, arriving early in April at Nootka. Fidalgo was sent north as far as Prince William's Sound, thence southward to examine the coast between fifty-seven degrees north and Nootka. The unfavorable weather prevented the coast examination, and Fidalgo returned to San Blas. To Quimper was assigned the exploration of the Strait of Juan de Fuca. His survey included the strait and main channel of what is now known as the Gulf of Georgia,—the main channel between Vancouver Island and the continent, to which he gave the

name of Canal de Haro, in honor of his pilot, Gonzalo Lopez de Haro. Such is the channel so notable in history, separating the Island of Vancouver and San Juan, now the water boundary line between Great Britain and the United States, as settled by William I., Emperor of United Germany. Elisa, with his ship, wintered at Nootka. In 1791, the *San Carlos* returned to Nootka accompanied by the schooner *Santa Saturnina*, José Narvaez. These vessels engaged in the examination of the strait and the Gulf of Georgia; and by them those Spanish names were given which are still borne by islands, bays and points in the vicinity of Archipelago de Haro and Rosario Straits.

In the fall of 1790, after the release of Captain Colnett, he sailed from San Blas to Nootka, in the *Argonaut*, with an order to have restored to him his schooner *Princess Royal;* but she had previously sailed for San Blas. He obtained a valuable cargo of furs, safely reached Macao, and during the next summer at Hawaii received his schooner from Quimper.

The expedition of Alejandro Malaspina, which visited Nootka this year, must not be omitted. He was appointed to explore and ascertain the exact geographic position of the Spanish-Pacific possessions. The expedition consisted of the two frigates *Discubierta* and *Atravida*, which sailed from Cadiz, Spain, July 30, 1789. Upon arrival at Acapulco, Malaspina received from the Spanish government a copy of the paper by Buache, before the French Geographic Society, defending the integrity of the claim of the alleged voyage of Maldonado, with instructions to ascertain the truthfulness of the Maldonado narrative, and whether the strait claimed to have been discovered had an existence. His denunciation of the Maldonado fraud has already been noted.

After passing Cape St. Elias, he, with Captain Bustamenti, who commanded the *Atravida*, with all the officers and pilots of both vessels, signed and published the declaration that from Cape Fairweather to Prince William's Sound no strait had been found. The expedition reached Nootka Sound early in August, 1791, and remained there until the close of the month.

Malaspina attempted but little examination of the inland seas in the vicinity. He discovered the mouth of what is now called Fraser river, naming it Rio Blanca, in honor of the Spanish Minister of State.

Étienne Marchand, a West India navigator and merchant, in 1788 projected a voyage around the world for commercial purposes. He sailed from Marseilles in the ship *Le Solide* December 14, 1790, and in August, 1791, reached Queen Charlotte's Island. A complete map and scientific description of the northwest part of Queen Charlotte's Island was published in 1798, among the charts prepared by this navigator, and in the narrative of this voyage.

Twenty-eight vessels, under the flags of Portugal, France, England, Spain and the United States, visited Nootka Sound this year. Of these, five were national expeditions, the remainder traders.

In 1792, two schooners, the *Sutil* and *Mexicano*, respectively commanded by Galiano and Valdes, arrived at Nootka in May. On June 4th, that expedition anchored in Neah Bay, and from thence proceeded eastward with the survey of the Strait of Fuca. On the 21st, Galiano and Vancouver met personally, exchanged notes, charts and information, and agreed to work thereafter together. Vancouver freely communicated and received information, but would not accept as correct the work of Galiano. This nettled the Spaniard, and the two navigators parted. Galiano thoroughly surveyed the Gulf of Georgia, and passed out north of Vancouver Island around. to Nootka, claiming that he

had established the fact of Vancouver being an island. This last Spanish exploring expedition sailed from Nootka for San Blas about the 1st of September, passing the mouth of the Columbia river, and verifying it as an entrance named by Heceta.

Captain Vancouver, of the British navy, in addition to his duties as British commissioner under the Nootka Treaty, had been invested with authority to continue his voyage as an exploring expedition. Among his instructions are the following: "To survey the Pacific coast of the American continent from the 35th to the 60th parallel north; to report the population, situation and extent of settlements by civilized nations within those limits, and especially to seek any water passage between the British colonies on the Atlantic side and British subjects on the northwest coast; to examine the *supposed* Strait of Juan de Fuca, said to be situated between the 48th and 49th degrees of north latitude, and to lead to an opening through which the sloop *Washington* is reported to have passed in 1789, and to have come out again northward of Nootka."

On the 30th of April, 1792, the Vancouver expedition had entered the Strait of Juan de Fuca, and penetrated to a point on the south shore named by Vancouver New Dungeness. On May 1st, they sailed eastward, and entered a bay by him called Port Discovery. The island abreast of its mouth received its name of Protection Island. The channel to the southward of Point Wilson was called Admiralty Inlet. Its two great southern arms were respectively nominated Hood's Canal and Puget Sound. Each of those, with their numerous islands, inlets, bays and harbors, were successively explored and described. The names conferred by Vancouver still remain, and are the perpetuation of the testimony that no physical feature of interest escaped Vancouver's notice. He determined the inlets of the great inland sea, happily called the Mediterranean of the Northwest. Its ever-tortuous channel he traced to its very head, and fully and forever set at rest any thought that the Strait of Juan de Fuca afforded a water passage through the continent. His labor accomplished in those inland waters, he passed out to the northward, through the Gulf of Georgia, which separates the island of Vancouver from the continent. Having circumnavigated that island, upon which was conferred the name of Quadra and Vancouver, he arrived August 28th at Nootka.

A departure from strict chronologic order has again become necessary. It has been observed in preceding pages that a discovery, an event or a historic result frequently depends not upon a single act, but a series of acts through agencies inaugurated independently of each other, sometimes dictated by adverse interests for rival purposes. Hence such series of acts, with the motives of the several actors, must be represented in continuous statement to lead up to the real result,—to intelligently make the record. It is eminently proper, therefore, not to say indispensable, even at the expense of repetition, to aggregate those chief incidents which develop the search and determine the existence of the "great river of the West," and to whom belongs the honor of its discovery.

Heceta, on the 17th of August, 1775, while coasting homeward to Monterey, discovered an extensive bay, which he placed in forty-six degrees, seventeen minutes north. Midway between the headlands he noticed that the currents were too strong for his vessel. Says he: "These currents and eddies of water caused me to believe that the place is the mouth of some great river, or of some passage into another sea." He named the entrance Assumption Inlet. To the river, which he believed to exist, he gave the name San Roque. In the summer of 1788, Captain Meares made an examination, called the bay Deception Bay, and its north headland Cape Disappointment. He emphatically denied the existence of a river, and that Heceta's Bay was the mouth of any river.



MRS. ELIZA WARREN
NEE. MISS SPALDING.



MRS. HARRIET JEWETT.
NEE MRS. KIMBALL.



MRS. E. L. CHAPMAN
NEE MISS BEWLEY.



MRS. S.M. WIRT.
NEE MISS KIMBALL.



MRS. O.N. DENNY.
NEE MISS HALL.

SOME OF THE SURVIVORS OF THE WHITMAN MASSACRE,
WHO WERE CAPTIVES OF THE INDIANS.

In August, 1778, the American sloop *Washington*, Captain Robert Gray, made the northwest coast of America near forty-six degrees north. In an attempt to enter an apparent opening, the sloop grounded, was attacked by savages, one of the crew killed, and the mate severely wounded. Captain Gray believed this to have been the mouth of the river which he afterwards named the Columbia.

On the 28th of September, 1790, Captain Gray, in the ship *Columbia*, sailed from Boston for the northwest coast of America. On the 29th of April, 1792, he spoke Captain Vancouver off the entrance of the Strait of Juan de Fuca, and communicated to him that "he had been off the mouth of the river in latitude forty-six degrees, ten minutes north, where the outset or reflux was so strong as to prevent his entering it for nine days."

Captain Vancouver attached but little importance to that statement of Captain Gray. He continued upon his course, entering the Strait of Fuca, and upon April 30 he anchored at New Dungeness. With the utmost self-complacency he assured himself that he "has proceeded further up this inlet than Mr. Gray, or (to our knowledge) any other person from the civilized world." He then observes:

"Considering ourselves now on the point of commencing an examination of an entirely new region, I cannot take leave of the coast already known without obtruding a short remark on that part of the continent, comprehending a space nearly 215 leagues, on which our inquiries had been lately employed under the most fortunate and favorable circumstances of wind and weather. It must be considered as a very singular circumstance that, in so great an extent of sea coast, we should not until now (the Strait of Fuca) have seen the appearance of any opening in its shores, which presented any prospect of affording shelter, the whole coast forming one compact, solid and nearly straight barrier against the sea. The river Mr. Gray mentioned should, from the latitude he assigned to it, have existence in the bay, south of Cape Disappointment. This we passed on the forenoon of the 27th; and I then observed, if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burthen, owing to the reefs and broken water which then appeared in its neighborhood. Mr. Gray stated that he had been several days attempting to enter it, which at length he was unable to effect, in consequence of a very strong outset. This is a phenomenon difficult to account for, as, in most cases where there are outsets of such strength on a seacoast, there are corresponding tides setting in. Be that however as it may, I was thoroughly convinced, as were also most persons of observation on board, that we could not possibly have passed any safe navigable opening, harbor or place of security for shipping on this coast from Cape Mendocino to the promontory of Classet; nor had we any reasons to alter our opinions, notwithstanding that theoretical geographers have thought proper to assert, in that space, the existence of arms of the ocean communicating with a mediterranean sea, and extensive rivers with safe and convenient ports."

The usually accurate Vancouver then chronicles objections to parties setting up claims of discovery, or asserting a belief that channels of communication into the interior do exist. "These ideas, not derived from any source of substantial information, have, it is much to be feared, been adopted for the sole purpose of giving unlimited credit to the traditionary exploits of ancient foreigners, and to undervalue the laborious and enterprising exertions of our own countrymen, in the noble science of discovery."

The feeling may be natural to the scientific British navigator, that the American sailor, making no pretensions to "the noble science of discovery" possessed by Vancouver's own countrymen, should have the audacity to believe that there was an extensive

river near Cape Disappointment asserted by Heceta to exist, which Captain Cook had failed to obtain sight of, and which Captain Meares asserted did not exist. Awarding no faith to the statement of Captain Gray, Vancouver prosecuted his voyage northward. The latter, satisfied by his own observations, more practical than scientific, returned southward in search of that river "whose outlet or reflux was so strong as to prevent for nine days his entering." On the 7th of May, "being within six miles of land, saw an entrance in the same, which had a very good appearance of harbor, lowered away the jolly boat, and went in search of an anchoring place, the ship standing to and fro, with a strong weather current. At one o'clock P. M. the boat returned, having found no place where the ship could anchor with safety; made sail on the ship; stood in for shore. We soon saw from our masthead a passage between the sand-bars. At half past three, bore away and run in northeast by east, having four to eight fathoms, sandy bottom; and, as we drew in nearer between the bars, had from ten to thirteen fathoms, having a very strong tide of ebb to stem. Many canoes came alongside. At five P. M. came to five fathoms of water, sandy bottom, in a safe harbor, well sheltered from the sea by a long sand-bar and spit. Our latitude observed this day was forty-six degrees, fifty-eight minutes north." Captain Gray called this bay Bulfinch Harbor, in honor of one of the part owners of the ship *Columbia*. It is now known as Gray's Harbor. Captain Gray remained there until the afternoon of the 10th.

On the 11th, Captain Gray, "at four A. M., saw the entrance of our port, bearing east southeast, distance six leagues; in-steering sails, and hauled our wind in shore. At eight A. M., being a little to windward of entrance into the harbor, bore away and run east northeast between the breakers, having from five to seven fathoms of water. When we came over the bar, we found this to be a very large river of fresh water, up which we steered." To this river, into which he sailed to Tongue Point, Captain Gray gave the name *Columbia*, after the name of his ship.

Upon his return to Nootka Sound, Captain Gray furnished Señor Quadra a sketch of his summer explorations and discoveries, by whom Captain Vancouver was informed of them. The Quadra-Vancouver negotiations having been brought to a close, Vancouver sailed on the 12th of October on a southern cruise with the *Discovery*, accompanied by the *Chatham* and *Daedalus* (1), "to re-examine the coast of New Albion, and particularly a river and a harbor discovered by Mr. Gray in the *Columbia* between the forty-sixth and forty-seventh degrees of north latitude, of which Señor Quadra favored me with a sketch."

The *Daedalus* was left to explore Gray's Harbor. "At four o'clock on the afternoon of the 19th, when having nearly reached Cape Disappointment, which forms the north point of entrance into Columbia river, so named by Mr. Gray, I directed the *Chatham* to lead into it, and, on her arrival at the bar, should no more than four fathoms of water be found, the signal for danger was to be made, but, if the channel appeared to be navigable, to proceed."

The *Discovery* followed the *Chatham* till Vancouver found the water to shoal to three fathoms, with breakers all around, which induced him to haul off to the eastward, and to anchor outside the bar in ten fathoms. The *Chatham* came to anchor in ten fathoms, with the surf breaking over her. Vancouver was as unwilling to believe there was much of a river as he before had been to attach any credit to Captain Gray's statement. He thus exhibited his repugnance to acknowledge Mr. Gray's claim of

(1) The *Daedalus* had been dispatched from England August 20, 1791, to carry additional instructions to Captain Vancouver. She was a storeship in command of Captain-Lieutenant Hergist who died on the voyage out. She arrived at Nootka prior to the *Discovery* and *Chatham*.

discovery. Says he: "My former opinion of this port being inaccessible to vessels of our burthen was now fully confirmed, with this exception, that, in very fine weather, with moderate winds and smooth sea, vessels not exceeding 400 tons might, so far as we are able to judge, gain an admittance."

Lieutenant Broughton, in the *Chatham*, having rounded Cape Disappointment, was surprised by the firing of a gun from a small schooner at anchor in the bay. It proved to be the *Jenny*, from Bristol, Rhode Island, commanded by Captain James Baker. This incident suggested Baker's Bay as the proper name for the little harbor inside Cape Disappointment. The *Chatham* sailed up the river to Gray's Bay, where Broughton anchored. With a cutter and launch, Lieutenant Broughton pursued the further examination of the river. He continued the ascent for seven days, to a distance, as he reckoned, of one hundred miles from his anchorage. This point he named Point Vancouver. It is the site upon which is erected the city of Vancouver. He then returned to his vessel. Having been in the river twelve days, and having, as he says, "took possession of the river and the country in its vicinity in his Britannic Majesty's name, having every reason to believe that the subjects of no other civilized nation or state had ever entered this river before, he recrossed the bar, the schooner *Jenny* leading, and sailed south to join the *Discovery*. The only palliation for this attempt of Broughton to claim the honor of discovery of the river will be found by according to him sincerity of belief in his theory, that the widening of the Columbia below Tongue Point really constituted a bay, of which bay Gray was the discoverer; that the true river emptied into Gray's Bay, and that Gray was never above its mouth. Broughton's ungenerous and unjust denial of Gray's claim has long been ignored; and Captain Robert Gray, the American sailor, is universally accepted as the discoverer of the great river Columbia.

Vancouver continued upon the coast until late in 1794. His exploration of coasts, bays, rivers, sounds and inlets was minutely made. To all he gave a name, and with notable accuracy determined their positions. The narrative of his voyage is the record of the most extensive and complete nautical survey which up to that time had ever been made. His charts are yet held in the highest regard. His nomenclature is deferentially adhered to; and the thorough manner in which he performed his labor left to his successors the mere task of verifying its accuracy.

The general war which waged throughout Europe in the closing years of the last and the early years of the present century accounts in a great measure for the suspension of voyages to Northwest America in European ships, and the withdrawal of European commerce from these northern seas. The East India Company had discontinued issuing licenses to British subjects to trade within the limits of their grant. British vessels other than those of the company could not land cargoes in any East India port. Neither under their license could the company trade in Northwest America. China had excluded Russian vessels from its ports. The carrying trade of the North Pacific was for the time necessarily restricted to vessels of the United States.

In March, 1803, the American ship *Boston*, Captain John Salter, while trading at Nootka, was attacked by natives under the lead of Maquinna, the chief. The ship was destroyed and but two of the crew escaped massacre. Those two survivors (one of whom was John R. Jewett, whose name is widely known from the publication of the narrative of this disastrous voyage) made their escape, after three years' captivity.

With this ends the chronicle of voyages, which had for their object the exploration or discovery of the coast,—voyages which either entirely or partially partook of national

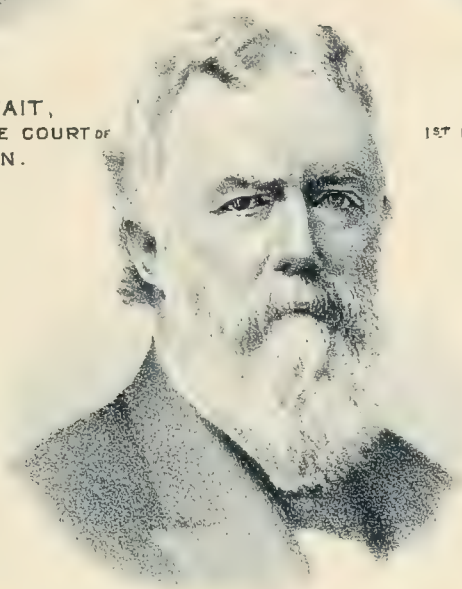
character;—which were in fact expeditions projected to acquire or maintain territorial claim; also those voyages, the incidents of which subsequently affected adjustment of respective national claims to the coast. Those already recounted will be found to have constituted the acts and facts by which the coast between certain parallels of latitude was stamped with nationality of claim. Russia's claim upon the extreme northwest was undisputed, except that Spain had not abandoned the imaginary right arising from the grant of Pope Alexander VI. Russian discovery had been followed by settlements which extended southward to about fifty-five degrees north. Spain had discovered coasts as high north as Prince William's Sound, sixty-one degrees north, but had not attempted settlement north of the mission of San Francisco, latitude thirty-seven degrees, fifty minutes,—properly speaking, north of the north line of the Spanish department of California. Great Britain had asserted claim because Drake, in 1579, had called a part of the coast New Albion, which coast so named, according to Vancouver, was included between forty-three degrees and forty-eight degrees. From forty-eight degrees to fifty-five degrees, that navigator designated New Georgia. Great Britain also denied Spanish claim to the northern coast above forty-eight degrees north, claiming that Spain had abandoned such territory by the first article of the Nootka Treaty. The claim by Great Britain of New Albion was a denial also of Spanish claim north of forty-three degrees. The United States claim by right of discovery was the territory watered by the Columbia river. Thus the North Pacific coast, between the north line of California and south boundary of Russian America, had become a matter of dispute between Spain, Great Britain and the United States.



HON. AARON E. WAIT,
1ST CHIEF JUSTICE SUPREME COURT OF
THE STATE OF OREGON.



HON. EDWARD LANDER,
1ST CHIEF JUSTICE SUPREME COURT OF
WASH. TER.



HON. MATHEW P. DEADY,
1ST UNITED STATES DISRICT JUDGE.
DISTRICT OF OREGON.



HON. C. LANCASTER,
FIRST DELEGATE TO CONGRESS.
FROM WASH. TER.



HON SAM'L R THURSTON,
FIRST DELEGATE TO CONGRESS
FROM OREGON TER.

Chapter IX.

(1766–1793.)

First Rumors as to Existence of Rocky Mountains and Great River Beyond Flowing Westward to South Sea — Fabulous Stories of Hennepin, La Hontan and Others Stimulate Interior Exploration — The Verendryes, First White Men to Explore Rocky Mountains — Story of a Yazoo Indian, the First to Traverse Continent Between the Two Oceans, as Detailed to Le Page — Origin of the Name Oregon — Journal of Captain Jonathan Carver — Indian Idea of Interior of North America — Indian Knowledge of Great Rivers Rising in Interior of North America — Their Stories About the Great River of the West — That the Word Oregon Is of Spanish Origin, Inconsistent with Carver's Use of It, nor Is It an Indian Name — Overland Exploration Inaugurated in Prosecution of Inland Fur Trade — North West Company — Two Expeditions of Alexander Mackenzie — First Party of White Men Cross Rocky Mountains and Reach the Pacific Ocean.

AS EARLY as the commencement of the eighteenth century, rumors originated with or communicated by Indians roaming west and northwest of the Mississippi river averred the existence of a great river beyond the mountains, beyond the sources of the Missouri river. Indian theory, tradition or belief proclaimed a high mountain chain in which the Missouri found its sources; that, in those mountains to the west of the headwaters of the Missouri, another great river took its rise and thence flowed toward the setting sun to a salt lake of vast circumference. Narratives based on these rumors had been published of alleged journeys by travelers, embellished with maps and charts indicating the route pursued, and wonderous matters as to places visited; their inhabitants, the wealth of regions, all circumstantially detailed, excited a desire to behold the Shining or Rocky Mountains; to see the great river beyond, and to follow it westward down to the South Sea. Kindred fables to the voyages of Maldonado, de Fonté and de Fuca, the narratives of Hennepin, La Hontan, Sageau and Carver provoked the attention of the curious, and invited adventurers, travelers and fur traders to the plains, the mountains, the river beyond, the illimitable sea into which it flowed, the people which inhabited the region. The problem of overland travel to and across the Rocky Mountains and to the shores of the great South Sea, as also the utilization of the wealth of the vast interior of continent, had become the study of the fur trader. To ascertain accessibility to these fields, and the means of development of those sources of wealth, were more the incentives to the capitalist and the adventurous voyageurs than either curiosity or desire to promote scientific knowledge. But it cannot be denied that these rumors, which had furnished the material for those fictitious narratives, had contributed much to exciting attention, and tended to hasten overland journeying westward from the Mississippi river across the Rocky Mountains. They proved to be the forerunners of path-finding from ocean to ocean. The discovery of the territory west of the Rocky Mountains and its ultimate appropriation by our race were the inevitable results.

In 1731, Marquis de Beauharnais, Governor-General of New France, conferred authority upon Pierre Gauthier de Varennes, Sieur de la Verendrye, a fur trader, to equip an expedition to reach the headwaters of the Missouri. To avoid the dreaded Sioux, Verendrye had permission to ascend the Assiniboin and Saskatchewan rivers, and to follow any stream flowing westward into the Pacific. His real purposes were to establish the fur trade, and to ascertain the practicability of overland communication between New France (Canada and the Province of Louisiana) and the Pacific Ocean. A line of posts was built, extending from Lake Superior northwestward at available points to forts of the Saskatchewan, and at the junction of the Assiniboin and Red rivers. From these forts, expeditions were dispatched northward and westward in charge of his brother and sons. In one of these excursions, in 1743, the brother and son ascended the Missouri river to its source in the Rocky Mountains. They traveled south to the Mandan country. Discovering no passage through this vast mountain chain, and warned of danger from the Sioux, they turned back and reached the Missouri in 1744. To this party belongs the credit of having been the first white men who had ever seen the Rocky or Shining Mountains.

In 1758 appeared the "Histoire de la Lousiane," by Le Page du Pratz. In it will be found the story of a Yazoo Indian, euphoniously named Moncacht-Ape, which means, "he who kills trouble and fatigue." In a fascinating vein, Le Page chronicles the adventures and observations of this learned aboriginal traveler. He details how he ascended the Missouri river to its source in the Rocky Mountains, tarrying with Indian tribes to learn their language and inquire the way; his crossing those Shining Mountains, exceeding high and beset with dangers; his march from thence to the beautiful river which flowed into the great ocean. He there met a tribe called the Otters, two of whose people, a man and a woman, accompanied him westward. His first view of the ocean he thus described: "I was so delighted I could not speak. My eyes were too small for my soul's ease. The wind so disturbed the great water, that I thought the blows it gave would beat the land in pieces."

Le Page is recognized as a reliable writer. He vouches his entire belief in the statements of the Yazoo explorer. That narrative, published, as it was, previous to any other person having crossed the Rocky Mountains or who had journeyed to the Pacific Ocean, which subsequent visits of travelers have found to be correct, would seem to carry intrinsic evidence of truthfulness; and its statements appear to have been based on actual observation.

The meaning of the word OREGON—from whence and how it originated—has never been satisfactorily ascertained. The first use of the name, as far as is known, must be accorded to Captain Jonathan Carver. In the journal of "Three years' travels through the interior part of North America for more than five thousand miles," he describes himself as a native of Connecticut, and as a "Captain of the provincial troops in America."

Captain Carver, who had served in the war against the French, left Boston 1766, and by way of Detroit and Michilmacinac visited the upper Mississippi region embraced in the present States of Iowa and Wisconsin. He claims to have remained among the Indians for two years. In the introduction he thus stated his purpose:

"After gaining a knowledge of the manners, customs, languages, soil and natural productions of the different nations that inhabit the back of the Mississippi, to ascertain the breadth of the vast continent which extends from the Atlantic to the Pacific Ocean, in its broadest part, between the 43d and 46th degrees of northern latitude. Had I been

able to accomplish this, I intended to have proposed to the government to establish a post in some of those parts about the Strait of Anian, which, having been discovered by Sir Francis Drake, of course belongs to the English. This I am convinced would greatly facilitate the discovery of a northwest passage or a communication between Hudson's Bay and the Pacific Ocean." Disappointed in his intention to continue his journey "by way of Lakes Du Bois, Du Pluie and Quinipique to the waters of the great river of the West, which falls into the Strait of Anian," he claims:

"The plan I had laid down for penetrating to the Pacific Ocean proved abortive. It is necessary to add, that this proceeded, not from its impracticability (for the further I went the more convinced I was that it could certainly be accomplished) but from unforeseen disappointments. However, I proceeded so far, that I was able to make such discoveries as will be useful in any future attempt, and prove a good foundation for some more fortunate successor to build upon. These I shall now lay before the public in the following pages; and am satisfied that the greatest part of them have never been published by any person that has hitherto treated of the interior nations of the Indians; particularly, the account I give of the Naudowessies, and the situation of the heads of the four great rivers that take their rise within a few leagues of each other, nearly about the center of this great continent, viz.: the river Bourbon, which empties into Hudson's Bay, the waters of St. Lawrence; the Mississippi, *and the river Oregon*, or the river of the West, that falls into the Pacific Ocean at the Strait of Anian."

Such statement is repeated in the introduction and again in the appendix. He ascends the St. Peter's river two hundred miles, to the country of the Naudowessies of the plains (the Dakotahs or Sioux), and refers to a branch of the river from the south nearly joining the Messorie (Missouri). From statements by Indians, he "has reason to believe that the river St. Pierre and the Messorie, though they enter the Mississippi twelve hundred miles from each other, take their rise in the same neighborhood, and this within a mile." After a description of the tribes he visited, he goes on: "I say from these nations, together with my own observation, I have learned that the four most capital rivers of North America, viz.: the St. Lawrence, the Mississippi, the Bourbon, and the OREGON, or the river of the West, have their sources in the same neighborhood. The waters of the three former are within thirty miles of each other; the latter, however, is rather further west." * * * * "This shows that these parts are the highest lands in North America; and it is an instance not to be paralleled in the other three quarters of the globe, that four rivers of such magnitude should take their rise together, and each, after running separate courses, discharge their waters into different oceans at the distance of two thousand miles from their sources. For in their passage from this spot to the Bay of St. Lawrence, east; to the bay of Mexico, south; to Hudson's Bay, north; and to the bay of the Strait of Anian, west, each of these traverse upwards of two thousand miles." When he arrived at this theory he was "two hundred miles up the St. Peter's river," and that was "the utmost extent of my travels towards the west." Carver, correctly, places the source of the river of the West "on the other side of the summit of the lands that divide the waters which run into the Gulf of Mexico from those which fall into the South Sea or Pacific Ocean."

"These parts, which are the highest lands in North America, are the Shining or Rocky Mountains, which begin at Mexico and continue northward, on the back, or to the east of California, separate the waters of those numerous rivers that fall into the Gulf of Mexico or the Gulf of California. From thence continuing their course still northward,

between the sources of the Mississippi and the rivers that run into the South Sea, they appear to end in about forty-seven or forty-eight degrees of latitude, where a number of rivers arise, and empty themselves either into the South Sea, into Hudson's Bay, or into the waters that communicate between those two seas."

Indians whom he met in his journey doubtless were aware of the existence of the Rocky Mountains. They had learned that the rivers that had their sources west of those mountains flowed towards the setting sun;—that there were several of those rivers which became one mighty river, through which the water of all these smaller rivers or affluents found its way to the ocean. This idea, knowledge, theory or tradition may have originated from statements of Indians living west of the Rocky Mountains, numbers of whom annually crossed those mountains to hunt buffalo. Indians may have informed Carver of the proximity of the respective sources of the headwaters of the Missouri and Columbia. So gradual is the ascent of the Rocky Mountains through several of the passes, the fact that the summit has been reached is indicated by the mountain springs of these great watercourses flowing in the adverse direction. Maps of North America published as early as 1750 exhibit "the great river of the West," by which name it was then designated, though it had never been seen by white men. Travelers in the valley of the Mississippi had received the information from Indians of the countries through which they passed, who had in turn derived it from more remote Indians, the statement having originated with and come through members of tribes living west of the Rocky Mountains. According to their customs, Indians would call a very large main navigable river, the river or the big river, while to small streams or parts of streams they would assign a distinctive name. There is no more evidence from Carver's journal that the word OREGON referred to the particular river which Gray subsequently discovered, than that the river Columbia empties into the fabulous Strait of Anian. There is quite as much evidence of the existence of the Strait of Anian as of Carver's fancied river named OREGON, "that falls into the Pacific Ocean at the Strait of Anian." Carver's journal possesses no value whatever as a contribution to science. Neither its geography nor its natural history has any claim to belief. It is extremely questionable whether the publication of 1778 contains the results of Carver's personal observations in 1776–9. It added nothing to the solution of the problem of internal water communication, or lines of travel through the interior of the North American continent. It may possibly have contributed to the belief that there was a vast river rising in the Rocky Mountains, not far distant from the headwaters of the Missouri, from which fact the hope was fostered that there might be practicable water communications between the interior of the continent and the Pacific Ocean.

The Columbia river so soon thereafter having been discovered at its mouth warranted the assumption that the sources of that vast river were in the Rocky Mountains. Carver's fabulous narrative was accepted as probable because it was based upon a theory which was most probable. Gray's discovery of a great river which did empty into the Pacific Ocean, in a latitude which almost conclusively established where it might have its sources, gave credence to Carver's story that the great river of the West called the Oregon did take its rise in the Rocky Mountains, at such a place as is described in his journal. The Columbia was at once accepted as the great river of the West. Its mouth discovered, its immense volume ascertained, it required no imagination to place its sources in the great highlands of the interior in that vast dividing ridge, at just such a place in the Rocky Mountains where four great rivers might, where in fact the two mighty rivers of North America do, within the area of a few square yards, take their rise, and flow in opposite directions into the



HON. WALTER CROCKETT, SR.

WHIDBY ISLAND, W. T.

PIONEER 1851.

two great oceans which are separated by the continent. The little heads which aggregate into the Missouri and the Columbia are contiguously found in the little valleys among the summit elevations of the Rocky Mountains. The one flowing east, its waters ultimately lose themselves in the Atlantic Ocean by way of the Gulf of Mexico, having in their way swelled the volume of the Missouri and the Mississippi rivers. At the distance of a few yards, not leagues, the waters flow towards the setting sun. They contribute to the formation of the great river of the West, the mighty Columbia. To one of Carver's four great rivers he gave the mythical name, the Oregon. How natural the belief that the true river Columbia was the great western river which gave origin to the Indian story or tradition which Carver's journal had promulgated. For a time a color of plausibility attached to his compilation. His mythical name for the river of the West, by those who sought to detract from Captain Gray the honor of being its discoverer, was applied to the river Columbia. But the world would not consent to such injustice. Carver's mythical name was however perpetuated. The region west of the Rocky Mountains through which the river of the West found its way to the ocean had been nominated the Oregon.

The name is a mystery,—doubtless a pure invention of the compiler of Carver's journal.

It has nevertheless become endeared to every American because of the long struggle to secure the territory to which the name Oregon was ascribed. It is embalmed in our affections because Columbia's greatest poet has immortalized it in the best effort of his lofty genius.

Learned authorities entitled to deference have suggested that the Spaniards applied the name Oregon to the region, on account of the abundance of wild marjorum (Oreganum) found along the coast, and conferred the name upon the main river emptying within such coast limits. This, however, seems untenable. Carver pretended to have picked up this word among the Indians near Lake Superior, in 1766–8, the narrative of which was published in 1778. If he was first to apply the name to the river of the West which he had derived from the Indians in the very heart of the continent, then prior to 1766 they had learned such name. If he coined it, which is most probable, then for the first time it was made known in 1778. There is no authentic account that any Spaniard ever landed upon that portion of the Pacific coast, which fronts the territory drained by the river, either before Carver's tour, or before the publication of his journal, or Gray's discovery. Spanish records give the names of every point upon the coast at which they made anchorages. Heceta, in 1775, named the mouth of the river San Roque. The Spaniards called the coast California. Gray, in 1792, as soon as the river had been discovered, had conferred its name Columbia.

The coast had its name among Spaniards,—the river received its name Columbia. The word Oregon is foreign to the coast; with that name Spanish explorers had nothing whatever to do. It was after the Columbia had been discovered, and it proved to be the great river of the West, that its headwaters were supposed to be identical with that river, to which Carver had alluded under the name of Oregon.

The late learned Archbishop of Oregon (F. N. Blanchet) relates: "That in 1857 he met, at Bolivia, the eminent linguist, Dr. George Haygart, of London, who asserted that Oregon had its origin in the Spanish word Orejon, meaning big ear." The Archbishop remarks: "It is probable that the Spaniards who first discovered and visited the country, when they saw the ears of the natives enlarged by means of huge ornaments, were

naturally led to call them Orejon, 'big ears,' and that they applied the word also to denote the country inhabited." Had the word Oregon originated on the Pacific Coast; had the word been used in a single journal, narrative, voyage or report by any explorer of the coast; or had such peculiarity of ornamentation of the aborigines been commented upon by any traveler in the country itself or its coasts; or were the Spanish word for big ears an appropriate descriptive word for the most striking peculiarity of the native population; if a single one of these premises had been true,—such theory, through deference for its author, might be accepted as consistent with fact.

Carver either coined the word and the whole story, or attempted to repeat a story about the existence of "the river of the West" derived from Indian sources, and to add a name which may have been suggested by their pronunciation. The statement about rivers is not dissimilar from stories repeated to all travelers who met Indians from the west of the Mississippi river,—is not inconsistent with their crude drafts of maps exhibiting their ideas of physical features, rivers, mountains, distances. Indians west of the Rocky Mountains may have communicated with Indians whom he saw; but what is most probable, he either repeated mere tribal traditions, or what other travelers had communicated as the belief of Indians as to countries west of the Rocky Mountains and towards the Pacific Ocean. Nor is the word Oregon found in any vocabulary of Indian language spoken west of the Rocky Mountains. It will be looked for in vain in the languages of the tribes or bands among whom he traveled. The Archbishop, while acknowledging his respect for the opinion of Dr. Haygart, does not adopt the big-ear theory. It is improbable that the true origin of the word will ever be satisfactorily determined. Like the word California, whose meaning and origin have so long puzzled the learned, the word Oregon will ever remain an enigma.

It may be asserted with safety that, before the so-called journal of Carver was published, the word Oregon had never been applied by Indians. Such a river as the Columbia the Indians would have called the river, the big river, or the big river running toward the setting sun, or words of such import, thereby distinguishing it from the ordinary streams or the affluents of the great river. The good Archbishop illustrates this Indian peculiarity: "One tribe only, the Chinooks, who lived near the mouth of the Columbia, gave the river any name, calling it 'Wikaitli Wimakl,'—the grand river."

A name for the region whose history is being traced had become necessary. How it acquired the name its subsequent history rendered so well known was worthy of consideration. The region to be called Oregon had had its coasts visited and examined; now is to begin the occupancy and exploration of the territory itself. Instead of circuitous voyages by sea, it is to be traced overland. The continent is to be traversed; mountain chains are to be crossed; the mighty rivers permeating the interior are to be examined and utilized. The theoretic "Strait of Anian" is to give place to practical water communication and overland travel.

The first white man who crossed the Rocky Mountains and reached the shores of the Pacific Ocean, overland, who led the first party of civilized men through the "Territory westward of the Stony Mountains to the South Sea," was Alexander Mackenzie, a native of Scotland, a partner in the North West Fur Company.

After Canada had become a British province, Montreal became the principal point for the collection and shipment of furs procured from the interior and northern portion of North America. The Hudson's Bay Company enjoyed the exclusive trade within the Hudson's Bay Territory. Beyond the boundaries of that territory, the merchants of

Montreal had sent trading parties who had penetrated westward to the base of the Rocky Mountains, and northwestward to a distance of twelve hundred miles northwest of Lake Superior. In 1778, Messrs. Frobisher and Pond of Montreal had built a trading-post on the Athabasca or Elk river, which, till the building of Fort Chipewyan, was the most remote trading point from the white settlements. These individual enterprises could not successfully compete with the Hudson's Bay Company. This led to the formation, in 1784, of the North West Company of Montreal. From a voluntary association of merchants, a mere partnership for purposes of trade, a vast organized power was created, exercising authority and control, and demanding the service and allegiance, of its employés and retainers. The North West Company consisted of twenty-three shareholders or partners. The wealthiest, who furnished the capital, remained at Montreal. They were called agents, and acted as a board of management of the commercial interests of the company. The other partners, termed wintering partners, were assigned to the several trading-posts. In prosecution of the fur trade, the company employed about two thousand persons, classified as clerks or traders, guides, interpreters and voyageurs. The clerks or traders, usually young highlanders of good family, entered the service for five or seven years, and served a thorough apprenticeship. Meritorious discharge of duty rendered a clerk eligible to partnership. The clerks traded with Indians at various posts and trading points upon lakes and rivers, some of which were thousands of miles remote from frontier establishments. The guides, interpreters and voyageurs enlisted for a term of years, with opportunity for increased pay by meritorious service. They willingly re-entered from love of the life they pursued, assured also that, when disqualified by age or bodily infirmity, they would be retired with a pension.

The trading goods imported from England were packed in bundles each weighing ninety pounds, and distributed among the various trading-posts. Furs were packed in bundles of the same weight. These packs were transported in bark canoes by the chain of lakes and rivers, which canoes and packs were carried over portages by voyageurs. The most remote trading points to which goods were sent and from which furs were received were distant from Montreal over three thousand miles. Four years would elapse between ordering goods in Montreal, and the sale in London of furs received from the remote trading points, in return for such goods. Much valuable knowledge of the interior was derived from the employés of this company. Shortly after the formation of the North West Company, Fort Chipewyan was established near the southwest end of Lake Athabasca or Lake of the Hills, in latitude fifty-eight degrees, forty-one minutes north. This lake is about two hundred miles long from east to west, with an average breadth of thirteen miles, and is about equally distant from Hudson's Bay and the Pacific Ocean. It receives Athabasca or Elk river from the Rocky Mountains. It discharges itself through Slave river which, after running north two hundred miles, empties into Great Slave Lake. Alexander Mackenzie was a North West Company partner in charge of this post. For the purpose of determining whether Great Slave Lake, after receiving the water of Slave river, emptied into the Arctic Ocean, he projected his first voyage of discovery.

On June 3, 1789, Mackenzie with his party left Fort Chipewyan in three bark canoes. Having passed through Slave river to Great Slave Lake, he discovered at its northwest extremity an outlet. Mackenzie followed the river northward for nine hundred miles, to its mouth in the Arctic Ocean in latitude 69 degrees north, longitude 136 degrees west of Greenwich. To this river he gave his own name. Returning, he examined the country on the east side of the river, reaching Fort Chipewyan September 12th. As there were

two large rivers west of Hudson's Bay (Coppermine and Mackenzie) which flowed northward into the Arctic Ocean, any passage of sea connected with the Pacific must be still farther west. This voyage therefore aided greatly in establishing the extreme improbability that any passage of sea existed in Northwest America eastward of Behring's Strait. On the 10th of October, 1792, Mackenzie set out on his second voyage. With two canoes laden with necessary articles of trade, Mackenzie ascended the Unjigah river, reaching the base of the Rocky Mountains, latitude 56 degrees, 9 minutes north, longitude 117 degrees, 35 minutes west of Greenwich on the 1st of November.

The party remained at this camp until May 9, 1793. In a bark canoe, light enough for two men to pack, the party, consisting of ten men with their equipage and three thousand pounds of provisions and trading goods, embarked at seven o'clock in the evening, reaching an island in about an hour. At three o'clock next morning they continued the ascent of Unjigah river. On the 10th of June they reached a lake at its extreme source, latitude 54 degrees, 24 minutes north, longitude 121 degrees west. Mackenzie says: "We landed and unloaded, where we found a beaten path leading over a low ridge of land of eight hundred and seventeen paces in length to another small lake. The distance between the two mountains at this place is about a quarter of a mile." * * * * "Here two streams tumble over rocks from the right, and lose themselves in the lake which we had left; while two others fall from the opposite heights and glide into the lake which we are approaching, this being the highest point of land dividing these waters; and we are now going with the stream."

On the 17th of June they reached a navigable river called by the natives "Tacoutche Tessee,"—the great river. Mackenzie descended this in a canoe for two hundred and fifty miles, when, leaving it July 4th, he traveled westward, reaching the Pacific Ocean at what he calls "the cheek of Vancouver's Cascade Canal," in latitude 52 degrees, 20 minutes, 48 seconds north, longitude 128 degrees, 2 minutes west of Greenwich. As he was about to set out on his return, says his interesting journal: "I now mixed up some vermilion and grease, and inscribed in large characters, on the southeast face of the rock on which we had slept last night, this brief memorial: 'Alexander Mackenzie, from Canada by land, the twenty-second day of July, one thousand, seven hundred and ninety-three.'"

The party reached their winter camp upon Unjigah river August 24. Early in September they arrived at Fort Chipewyan. The geographic result of this voyage was the confirmation of Captain Cook's conclusion that the continent of North America extended in an uninterrupted line northwestward to Behring's Strait. Its great and immediate practical effect was to invite the great companies engaged in inland fur trade to a new and extensive field.

Mackenzie marked out the proposed field, detailed its physical features, and urged British capitalists and enterprise to appropriate it. He suggested combination of North West and Hudson's Bay Companies to divide between them the interior and northern part of North America, beyond the frontier of the United States and Canadas. Of south of the line of this vast domain he thus remarks:

"The line may be traced from whence the line of American boundary runs to the Lake of the Woods, in latitude forty-nine degrees, thirty-eight minutes north, from whence it is also said to run west to the Mississippi, which it may do, by giving it a good deal of southing, but not otherwise, as the source of that river does not extend further north than latitude forty-seven degrees, thirty-eight minutes north, where it is no more than a small brook. Consequently, if Great Britain retains the right of entering it along the



COL. W. W. CHAPMAN,
PORTLAND, OR.



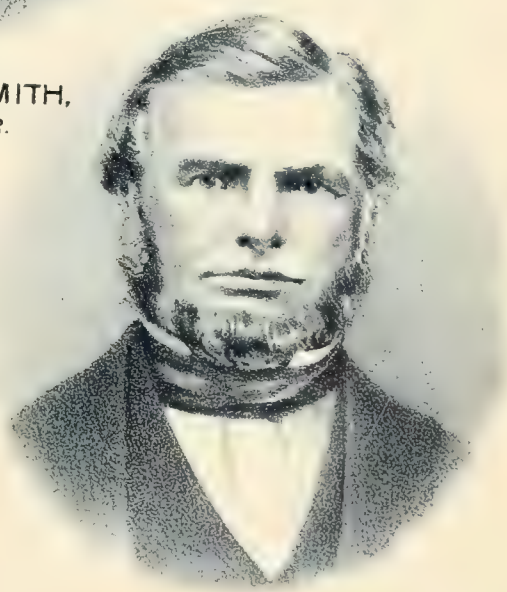
CAPT. JOHN H. COUCH,
PORTLAND, OR.



HON. J. W. NESMITH,
POLK CO. OR.



COL. J. K. KELLY,
PORTLAND, OR.



HON. JOSIAH FAILING,
PORTLAND, OR.

line of division, it must be in a lower latitude; and, wherever that may be, the line must be continued west till it terminates in the Pacific Ocean to the south of the Columbia. This division is then bounded by the Pacific Ocean on the west, the Frozen Sea and the Hudson's Bay on the north and east. The Russians indeed may claim with justice the islands and coast from Behring's Strait to Cook's Entry."

Referring to utilization of rivers within such region as a line of communication, he thus speaks of the Rocky Mountains, and the watercourses finding their sources in that chain: "The succession of ridges of the Stony Mountains, whose northern extremity dips in the North Sea in latitude seventy degrees north, and longitude 135 degrees west, running nearly southeast, and begins to be parallel with the coast of the Pacific Ocean from Cook's Entry, and so onward to the Columbia. From thence it appears to quit the coast, but still continuing, with less elevation to divide the waters of the Atlantic from those which run into the Pacific. In those snowclad mountains rises the Mississippi (if we admit the Missouri to be its source), which flows into the Gulf of Mexico; the river Nelson, which is lost in Hudson's Bay; Mackenzie's river, that discharges itself into the North Sea, and the Columbia, emptying itself into the Pacific Ocean. The great river St. Lawrence and Churchill, with many lesser ones, derive their sources far short of these mountains. It is indeed the extension of these mountains so far on the seacoast that prevents the Columbia river from finding a more direct course to the sea, as it runs obliquely with the coast upwards of eight degrees of latitude before it mingles with the ocean."

Mackenzie established "the non-existence of any passage by sea northeast or northwest from the Atlantic to the Pacific Ocean; but internal communication by rivers is clearly proved."

He was impressed with the belief that the river he descended, called by the natives "Tacoutche Tessee,"—the great river,—was the Columbia. Such continued popular opinion until 1812, when the Tacoutche Tessee was traced to its mouth, and proved to be what is known as Fraser river. With the impression that he had discovered the headwaters of the Columbia, Mackenzie observes: "By these waters that discharge themselves into Hudson's Bay at Port Nelson, it is proposed to carry on the trade to their source at the head of the Saskatchewan river, which rises in the Rocky Mountains not eight degrees of longitude from the Pacific Ocean. The Tacoutche Tessee or Columbia river flows also from the same mountains and discharges itself likewise in the Pacific in latitude forty-six degrees, twenty minutes. Both of them are capable of receiving ships at their mouths, and are navigable throughout for boats."

"The distance between these waters is only known from the report of the Indians. If, however, this communication should prove inaccessible, the route I pursued, though longer, in consequence of the great angle it makes to the north, will answer every necessary purpose. But, whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific Ocean pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of that coast; its banks also form the first level country in all the southern extent of continental coast from Cook's Entry, and, consequently, the most northern situation fit for colonization, and suitable to the residence of a civilized people. By opening this entire course between the Atlantic and Pacific Oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur trade of North America might be obtained, from latitude forty-eight degrees north to the

pole, except the portion of it which the Russians have in the Pacific. To this may be added the fishing in both seas and the markets of the four quarters of the globe. Such would be the field for commercial enterprises; and incalculable would be the product of it when supported by the operations of that credit and capital which Great Britain pre-eminently possesses. Then would this country begin to be remunerated for the expenses it has sustained in discovering and surveying the coasts of the Pacific Ocean, which is at present left to American adventurers, who, without regularity or capital, or the desire for conciliating future confidence, look altogether to the interest of the moment. They, therefore, collect all the skins they can procure and in any manner that suits them, and, having exchanged them at Canton for the produce of China, return to their own country. Such adventurers, and many of them, as I have been informed, have been very successful, would instantly disappear from the coast."

The name has now been found for the territory west of the Rocky Mountains. No passage of sea runs northeast from the Pacific through the continent; but a magnificent chain of lakes and mighty rivers constitute a line of water communication throughout the great interior. Sources of wealth claim consideration of capitalists, of men of enterprise. The credit and capital of Great Britain is appealed to. American adventurers without capital, unable to compete successfully with these monster monopolies, are to be driven from this coast. The sagacious Mackenzie heralded the future policy of the Empire company, whose agent he was; foreshadowed British policy and intent; defined the lines by which Great Britain intended to bound her claim to the territory of Northwest America.

Chapter X.

(1792–1810.)

Western Limits of the United States of America — Purchase of Louisiana — Abortive Projects for Northwestern Exploration — Expedition of Lewis and Clark to the Mouth of the Columbia River — The North West Company Establishes a Trading-Post West of the Rocky Mountains — The Missouri Fur Company — Commercial Enterprises of Citizens of the United States in Northwest America — Captain Winship, in the Albatross, Attempts an Establishment at Oak Point, on the Columbia River.

BY THE recognition of independence, the United States of America had succeeded Great Britain as sovereign proprietor of the territory bounded west by the channel of the Mississippi river. The Canadas were upon the north. Florida, then a Spanish province on the southern border, separated it from the Gulf of Mexico. Louisiana or New France, west of the Mississippi river, bordering upon the Gulf of Mexico, extended indefinitely along the river to the north, and reached westward without prescribed limits. In 1762, France had ceded Louisiana to Spain. While it continued a Spanish province, it mattered not what terms defined its western limits; for Spain asserted territorial claim on the Pacific coast by right of discovery, as also by the grant of Pope Alexander VI. As there was no intervening claimant while Louisiana belonged to Spain, it extended westward to the Pacific Ocean. The northern boundary of Louisiana had been regulated by the Treaty of Utrecht (1713), affixing the respective limits of the Hudson's Bay Territory and New France. In 1800, Spain retroceded the province of Louisiana. In 1803, the United States acquired Louisiana by purchase from France.

The "Louisiana Purchase" moved the boundary of the United States indefinitely westward. The territory thus designated extended from the Gulf of Mexico northward to the Hudson's Bay Territory.

A digression becomes necessary to learn the extent of the purchase and appreciate its influence upon, and its direct connection with, the history of the region west of the Rocky Mountains.

In 1539, Hernando Soto discovered the Mississippi river, near its mouth, and formally claimed the country watered by it for the King of Spain. Subjects of another nation settled upon its tributaries. As early as 1772, the French from Canada had thoroughly explored and occupied its northern affluents. La Salle (1680 to 1683) had examined the river to its mouth in the Gulf of Mexico. In the name of the King of France he took possession of the "Country of Louisiana from the mouth of the St. Louis, otherwise called the Ohio, on the eastern side, and also the river Colbert or Mississippi, and the rivers which discharge themselves into it, from its sources in the country of the Kious, as far as its mouth at the sea." Being assured by the natives that his party were the first whites who had visited the country, he protested against its settlement or invasion

by the subjects of any other nation. In communicating his exploits to the Governor of Canada (Count Frontenac), La Salle says: "From the information which I had been able to collect, I think I may affirm that the Mississippi draws its source somewhere in the vicinity of the Celestial Empire, and that France will be not only the mistress of all the territories between the St. Lawrence and the Mississippi, but will command the trade of China, flowing down the new and mighty channel which I shall open to the Gulf of Mexico." La Salle returned to France and secured letters patent from the King, to establish settlements at the mouth of the river. He sailed with a colony, but, missing the mouth of the Mississippi, went to the westward and settled on Matagorda Bay.

In 1689, d'Iberville, a Canadian, entered the Mississippi and founded a settlement three hundred miles from its mouth. Bienville about the same time made a settlement where New Orleans was built. Before 1710, a number of French settlements had been made upon the river. In 1712, the King of France executed the famous grant to Antoine Crozat, which defines the province of Louisiana "as including all the territories by us possessed, and bounded by New Mexico, and by those of the English in Carolina, all the establishments, ports, harbors, rivers, and especially the port and harbor of Dauphin Island, formerly called Massacre Island, the river St. Louis, formerly called the Mississippi, from the seashore to Illinois, together with the river St. Philip, formerly called the Missouries river, the St. Jerome, formerly called the Wabash (Ohio), with all the countries, territories, lakes in the land and rivers emptying directly or indirectly into that part of the river St. Louis. All the said territories, countries, rivers, streams and islands we will to be and remain comprised under the name of the government of Louisiana, which will be dependent on the general government of New France and remain subordinate to it; and we will, moreover, that all the territories we possess on this side of the Illinois be united as far as need be to the general government of New France, and form a part thereof,—reserving to ourself, nevertheless, to increase, if we judge proper, the extent of the government of the said country of Louisiana."

In five years, Crozat relinquished his grant. The Illinois country was annexed to and formed part of Louisiana; and the territories watered by the Mississippi and Mobile were in 1717 granted to Laws' Mississippi Company, who held it until 1732, when it reverted to the Crown and was governed as a French province until 1762.

At this time, Spain claimed dominion of the country by grant of Pope Alexander VI. France asserted claim to the Hudson's Bay Territory as part of Canada. Great Britain, under the doctrines of continuity and contiguity, regarded the same as included within her colonial grants, most of which in express terms extended to the South Sea or Pacific Ocean. Thus it will be seen that the whole breadth of the American continent, between the Atlantic and South Sea or Pacific Ocean, was adversely claimed by the three great European nations, Spain, France and Great Britain.

Shortly after the erection of the province of Louisiana, France and Spain entered into a treaty of the closest amity, which continued until 1793. Between Great Britain and Spain, as also between France and Great Britain, a constant struggle for colonial supremacy in North America had been waged. In the wars between the British and the French, Spain supported France. Unsuccessful in the contest, France, on the 23d of November, 1762, ceded to Spain the province of Louisiana, together with New Orleans and the island upon which it is situated. On the 10th of February, 1763, a treaty was entered into by Spain and France of the one part, and Great Britain and Portugal of the other part, whereby Great Britain acquired the Canadas, and Louisiana east of the



GEN^L GEO. WRIGHT, U.S.A.



GEN^L PHILIP H. SHERIDAN, U.S.A.



GEN^L E.R.S. CANBY, U.S.A.



GEN^L O.O. HOWARD, U.S.A.

Mississippi, the mid-channel of that river being fixed as the boundary between the British and Spanish possessions on the North American continent. The Mississippi was definitely fixed as the western boundary of the British colonial possessions in North America. Great Britain renounced all claim to the territory westward of that river. Spain had become assignee of France by the cession of Louisiana, and besides, by reason of the papal grant, claimed territorial rights on the Pacific coast by right of discovery. Thus the Mississippi river divided the continent east and west between Great Britain and Spain. The United States succeeded to Great Britain on the recognition of independence. By the treaty of peace in 1783, those states which had previously existed as British colonies were limited in their western boundary by the Mississippi, by virtue of the treaty of 1763. In other words, the established western boundary of the new nation was the mid-channel of the Mississippi river.

In 1800, the Duke of Parma, a member of the royal family of Spain, received from Napoleon certain Italian territories. In consideration of which, Spain retroceded to France "the colony or province of Louisiana, with the same extent it now has in the hands of Spain, and which it had when France possessed it, and such as it should be according to the treaties subsequently made between Spain and other States." The Spanish King issued the order for delivery of the province to the French Republic on the 15th of October, 1802. The United States purchased Louisiana by the treaty of April 30, 1803.

The extent of the "Louisiana Purchase" at once became the immediate subject of negotiation between the United States, Spain and Great Britain. The measure of territorial claim accruing to the United States by that purchase entered largely into the negotiation between the United States and Great Britain upon their respective claims to the country upon the Pacific Ocean.

As soon as peace had been declared between Great Britain and the United States (1783), commercial enterprises of the new republic introduced its starry emblem into the harbors and seas of Northwest America. Most important and valuable discoveries had been made by citizens of the United States, conferring upon that nation territorial claim to the territory bordering upon the Pacific. As a consequence of the general internecine war in Europe, in the latter part of the eighteenth century, the commerce between Northwest America and China and the East Indies was exclusively carried on by American vessels. With this increase of commerce, there was a correspondingly increased desire to acquire knowledge of the country, as also to foster and retain the control of the trade. The coast had been thoroughly examined. Its bays, harbors and islands were well known; but the interior had remained a vast *terra incognita*.

In 1786, Thomas Jefferson, then United States Minister at Paris, met John Ledyard of Connecticut, who had accompanied Captain Cook in his last voyage. Mr. Jefferson suggested to Ledyard that he should proceed overland *via* the Russias to Kamtchatka; from thence across in a Russian vessel to Nootka Sound; thence fall down on the latitude of the Missouri, and penetrate to and through that region to the United States. Ledyard enthusiastically embraced the plan. The consent of the Russian Empress was obtained, and the requisite passports furnished. He proceeded on his journey as far as Irkootsk, within two hundred miles of the Kamtchatkan coast, where he arrived in January, 1787. There he was compelled to winter. In the spring, when about to resume his journey, an officer of the Empress arrested him as a spy, and forbid his return to Russia. He was carried night and day in a closed conveyance to the Polish frontier, broken in health by

the severity of his treatment and the hardships of his journey. This frustrated the first project for the exploration of the interior and western part of the continent.

In 1792, Mr. Jefferson proposed to the American Philosophical Society the engagement of a competent scientist to explore Northwest America from the eastward, by ascending the Missouri, crossing the Rocky Mountains, and descending the nearest river to the Pacific Ocean. Captain Meriwether Lewis, United States army, urgently solicited such employment; but André Michaux, the French botanist, offering his services, they were accepted. Michaux received his instructions, left Philadelphia and reached Kentucky, where he was overtaken by a peremptory order from the French Minister to relinquish the expedition, and to pursue in other fields his botanical inquiries on which he had been employed by the French government. Thus and thereby European jealousy a second time defeated American inland exploration between the Mississippi river and the Pacific Ocean.

The act of Congress for the establishment of trading-houses with Indian tribes being about to expire, President Jefferson recommended its continuance, and that its provisions be made applicable to the Indians of the Missouri. Ever alive to the importance of acquiring knowledge of the interior and its communication with the Pacific coast, he embraced this opportunity (18th January, 1803) to send a confidential message to Congress, recommending an exploration to trace the Missouri to its source, to cross the highlands (Rocky Mountains) and follow the best water communication to the Pacific Ocean. Congress made an appropriation to carry it into execution. Captain Meriwether Lewis, the President's private secretary, was selected for the command of the expedition; and at his request William Clark was associated with him, and commissioned as a captain in the United States army. In April, 1803, President Jefferson's instructions were submitted to Captain Lewis, and were signed June 20th. The governments of France, Spain and Great Britain were notified of the expedition and its purposes, and passports for the party were received from the French and English Ministers.

Among other things the instructions provide: "The object of your mission is to explore the Missouri river and such principal streams of it as, by its course of communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river, may offer the most direct and practicable water communication across the continent, for the purposes of commerce."

* * * * * * *

"The interesting points of the portage between the heads of the Missouri, and of the waters offering the best communication with the Pacific Ocean, should also be fixed by observation, and the course of that water to the ocean, in the same manner as that of the Missouri." * * * * "Should you reach the Pacific Ocean, inform yourself of the circumstances which may decide whether the furs of those parts may be collected as advantageously at the head of the Missouri (convenient as is supposed to the waters of the Colorado and Oregon or Columbia) as at Nootka Sound, or any other part of that coast; and that trade be constantly conducted through the Missouri and United States more beneficially than by the circumnavigation now practiced." * * * "On your arrival on that coast, endeavor to learn if there be any port within your reach frequented by the sea-vessels of any nation, and to send two of your trusty people back by sea, in such way as shall appear practicable, with a copy of your notes; and should you be of the opinion that the return of your party by the way that they went will be imminently dangerous, then ship the whole, and return by sea, by the way either of Cape Horn, or the Cape of Good Hope, as you shall be able."

Although the negotiations for the purchase of Louisiana had been successfully concluded April 30, 1803, the news did not reach Washington until the 1st of July. Captain Lewis left the seat of government on the 5th to prepare the expedition for the field. The Spanish Governor of Louisiana had not at that time been officially advised of the transfer of the province of France, and was still acting. The season was late. Captain Lewis therefore wintered at the mouth of Wood river, on the eastern side of the Mississippi, making necessary preparations for setting out early in the spring. The party consisted of nine young men from Kentucky, fourteen soldiers of the United States army who volunteered, two French voyageurs as interpreter and hunter, and a negro servant of Captain Clark, all of whom, except the servant, were enlisted to serve as privates during the expedition. Three sergeants were appointed from the number by Captains Lewis and Clark. In addition a corporal, six soldiers and nine water-men accompanied the expedition as far as the Mandan nation,—forty-three in all, including Captains Lewis and Clark.

On the 14th of May, 1804, the party crossed the Mississippi river and commenced the ascent of the Missouri, in keel-boats cordelled by hand. The detailed account of this notable journey must be sought in one of the several interesting journals. On the 1st of November, 1804, having journeyed 1609 miles, it went into winter quarters in the Mandan villages. On the 8th of April, 1805, the party, consisting of thirty-three persons, resumed their westward march, and upon the 18th of August had reached the extreme head of navigation of the Missouri river,—upwards of three thousand miles from its mouth. They had ascended the main river to the three forks, to which they had given the names respectively of Jefferson, Madison and Gallatin. Regarding the first named to be the main stream, they had followed it to its source in the Rocky Mountains. Captain Clark crossed to the headwaters of the Salmon river (the east fork of Lewis or Snake river), but abandoned it. The party then ascended Fish creek, a branch of the Salmon, crossed a mountain ridge and entered the valley of the Bitter-root, and ascended to the mouth of a creek now called Lou-Lou fork, by them called Traveler's Rest. From thence they passed over the headwaters of the Kooskooskie, and, having reached a point navigable for canoes, constructed boats and followed the river to its mouth in the Lewis fork of the Columbia (Snake river), which they reached October 7th. Lewis river was followed to its junction with Clark's fork; and thence the party proceeded down the main Columbia to Cape Disappointment, on the Pacific Ocean, at which they arrived November 14th. They stopped but a few days on the north side of the river, but established their winter quarters at Fort Clatsop, on the south side, near its mouth, where they remained until March 23, 1806.

Before setting out on their return eastward, several written notices were left with the natives, and one posted up in the fort, as follows: "The object of this last is, that, through the medium of some civilized person who may see the same, it may be made known to the world, that the party consisting of the persons whose names are hereunto annexed, and who were sent out by the government of the United States to explore the interior of the continent of North America, did penetrate the same by way of the Columbia and Missouri rivers, to the discharge of the latter into the Pacific Ocean, where they arrived on the 14th day of November, 1805, and departed on their return to the United States by the same route by which they had come out." This note fell into the possession of Captain Hill of the brig *Lydia*, of Boston, which carried it to Canton, and thence to the United States. On the back of it was sketched the connection of the respective sources of the Columbia and Missouri, with the routes pursued, and the track intended to be followed on the return.

The expedition returned by substantially the same route, until reaching Traveler's Rest creek, when the party divided. Captain Lewis, with nine men, pursued the most direct route to the falls of the Missouri, exploring the Marias river. Captain Clark, with the remainder of the party, proceeded to the head of Jefferson river, where he left a small party to descend to the Yellowstone, himself advancing directly to the Yellowstone and tracing it in boats to its mouth. The several parties reunited at the mouth of the Yellowstone on the 12th of August, and, having traveled nearly 9,000 miles, reached St. Louis in safety on the 23d of September, 1806, without having lost a member of the party.

A summary by Captain Lewis indicates the labors of this memorable expedition: "The road by which we went out by the way of the Missouri to its head is 3,096 miles; thence by land, by way of Lewis river over to Clark's river, and down that to the entrance of Traveler's Rest creek, where all the roads from different routes meet; then across the rugged part of the Rocky Mountains to the navigable waters of the Columbia, 398 miles, thence down the river 640 miles to the Pacific Ocean,—making a total distance of 4,134 miles. On our return in 1806, we came from Traveler's Rest directly to the falls of the Missouri river, which shortens the distance about 579 miles, and is a much better route, reducing the distance from the Mississippi to the Pacific Ocean to 3,555 miles. Of this distance, 2,575 miles is up the Missouri, to the falls of that river; thence passing through the plains, and across the Rocky Mountains to the navigable waters of the Kooskooskie river, a branch of the Columbia, 340 miles, 200 of which is good road, 140 miles over a tremendous mountain, steep and broken, sixty miles of which is covered several feet deep with snow, on which we passed on the last of June; from the navigable part of the Kooskooskie we ascended that rapid river seventy-three miles to its entrance into Lewis river, and down that river 154 miles to the Columbia, and thence 413 miles to its entrance into the Pacific Ocean. About 180 miles of this distance is tide water. We passed several bad rapids and narrows, and one considerable fall, 268 miles above the entrance of this river, thirty-seven feet, eight inches; the total distance descending the Columbia waters 640 miles,—making a total of 3,555 miles, on the most direct route from the Mississippi, at the mouth of the Missouri, to the Pacific Ocean."

The successful return of Lewis and Clark created a sensation, not only in the United States, but in European nations. President Jefferson, in a tribute to Captain Lewis a few years later (1813), says: "Never did a similar event excite more joy through the United States. The humblest of its citizens have taken a lively interest in the issue of this journey, and looked with impatience for the information it would furnish. Nothing short of the official journals of this extraordinary and interesting journey will exhibit the importance of the service,—the courage, devotion, zeal and perseverance under circumstances calculated to discourage, which animated this little band of heroes, throughout the long, dangerous and tedious travel."

Captains Lewis and Clark did not reach Washington until the middle of February, 1807. The services of the party were duly recognized by an extensive land grant. Lewis was appointed Governor of Louisiana. Captain Clark was made the General of its militia, and soon after appointed agent of the United States for Indian affairs. Before Captain Lewis had prepared for publication the journals and reports of this expedition, in a fit of melancholy he put an end to his existence (September, 1809). For a long time he had been subject to these chronic attacks. During one of these paroxysms, business compelled him to start for Washington. On his journey thither, his illustrious patron and friend Jefferson most feelingly remarks, "he did the deed which plunged his friends into



MAJOR N. A. CONOYER,

ADAMS, OR.

affliction and deprived his country of one of her most valued citizens. It lost too, to the nation, the benefit of receiving from his own hand the narrative of his sufferings and successes, in endeavoring to extend for them the boundaries of science, and to present to their knowledge that vast and fertile country, which their sons are destined to fill with arts, with science, with freedom and happiness."

In New Caledonia (now British Columbia), the employés of the North West Company, early in the nineteenth century, began to explore the region in the vicinity of, and immediately west of, the Rocky Mountains.

Previous to 1805, James Finlay and James MacDougal, in the North West Company service, had traveled as far west as Trout Lake, afterwards called McLeod's Lake. In the spring of that year, MacDougal had pursued his examinations as far west as the river afterwards known as the great fork of the Fraser and beyond Carrier's Lake. In the autumn and winter of that year, Simon Fraser, a partner in the North West Company, with a party established a trading-post on McLeod's Lake, called Fort McLeod and subsequently named Fort Fraser. On May 20, 1806, Simon Fraser and John Stuart with a party left the Rocky Mountain House, the North West Company station at the eastern base of the Rocky Mountains, followed the Fraser river down to Stuart river, believing, as did Sir Alexander Mackenzie, that it was the Columbia. During that year, Fort James on Stuart Lake was established; and, in 1807, Fort George was erected at the junction of the Stuart and Fraser rivers. From this post, Fraser and Stuart took their departure in 1808, and descended the river Fraser to its mouth.

From an interesting letter, the following extract is copied:

"Among the first of the trappers (of the western frontier of the United States) who visited the Columbia river was William Weir, grandfather of Allen Weir, Esq., editor of the *Port Townsend Argus*.

When Captains Lewis and Clark returned from their exploration in 1806, they were accompanied by one of the head chiefs of the Mandans. The next spring, a detachment of soldiers were ordered to escort him back to his people. They started up the river in a barge; and about thirty Americans, among whom was Weir, prepared themselves with traps and a keel-boat, and started in company.

Before reaching the Mandan village, they were attacked by a band of hostile Indians. The soldiers took to their oars and, with the current, swiftly went down the river. The hunters crossed to the other side of the river, and continued to give the Indians a fight. The savages gathered up their skin boats; one which could seat four men could be carried on the head of an Indian. The hostiles descended the river some distance, crossed over and came down in such numbers that the party were overpowered. In a few minutes seven of the trappers were killed, and about as many more severely wounded. The party gathered up the dead, fled to their boat and followed after the soldiers. The whole party returned to St. Louis and waited until next spring. In the meantime the Missouri Fur Company had been formed. In the spring of 1808, that company employed about three hundred men, principally French, who lived about St. Louis, and sent them up the river. A party of about forty Americans, among whom was Weir, started up the river on their own account. In 1809, Weir with nine others crossed the Rocky Mountains and struck the headwaters of the Columbia river and trapped down the river, wintering just above the Cascade or Coast range.

Another small company of Missouri trappers wintered at the mouth of the river. They all trapped on the river and its tributaries during the spring of 1810, and returned

that summer to the Missouri. They found the Indians all friendly; they subsisted almost entirely on fish, which came up the river in great quantities.

Weir often spoke of the large fir timber, the mildness of the climate, the beautiful appearance of the land and soil, and gave it as his opinion that some day it would be one of the finest countries in the world. He quaintly added, "at that time it was a long ways from home."

Among the wintering partners of the North West Company was Daniel Williams Harmon, a native of Vermont. In the spring of 1800, then a clerk, he set out from Montreal for the northwest. In 1805, after he had become a partner, he organized a party to explore the headwaters of the Missouri, cross the Rocky Mountains and follow the Columbia to its mouth. Ill health compelled his abandonment of the trip. In 1807–8, he had charge of Fort Chipewyan. In the fall of 1810, Harmon crossed the Rocky Mountains, and wintered upon Fraser Lake. The next spring he assumed the superintendency of the district of New Caledonia. In this capacity he remained on duty west of the Rocky Mountains until his retirement from the service in 1819, upon which he returned to Vermont. Shortly thereafter was published at Andover, Massachusetts, his "Journal of voyages and travels in the Interior of North America."

In 1808, an association was formed at St. Louis called the Missouri Fur Company, headed by Manuel Lisa, a Spaniard. Under its auspices, in 1809–10, numerous trading-posts were established. One of these was at the headwaters of Lewis' Fork of the Columbia river, in charge of Alexander Henry. It was abandoned in 1810, in consequence of the hostility of the Indians, and the great difficulty attending the provisioning and supply of the post.

In 1809, Captain Jonathan Winship, of Brighton, Massachusetts, projected a trading establishment upon the Columbia river, and the taking of seals and other furs upon the Pacific coast. Two ships were secured,—the *O'Cain*, of which he was master, and the *Albatross*, Captain Nathan Winship. The *Albatross* sailed from Boston July 6, 1809, *via* Cape Horn and the Sandwich Islands, and arrived at the mouth of the Columbia river May 25, 1810. She was provided with a complete outfit; and her company originally numbered twenty-five, to which had been added twenty-five Kanakas. Through ignorance of the channel, inaccuracies of charts, strong currents and occasional shoal places, the passage up the Columbia was attended with delays and difficulties. After some ten days cruising on the river, Oak Point, on the south side of the river, was selected as the proposed site of the establishment. Land was cleared, a garden was prepared, seeds were sown, and the erection commenced of the trading-house and dwelling. The summer freshet of the Columbia river soon after occurred and effectually checked all further labors. The house, almost completed, was flooded to the depth of eighteen inches, and the adjacent land overflowed. Captain Nathan Winship having been advised of the arrival of the *O'Cain* at the bay of Sir Francis Drake (now San Francisco), determined to consult his brother, the projector of the expedition, before attempting another location. He sailed from the Columbia river July 18, 1810. The Winships, having learned of Mr. Astor's contemplated enterprise at the mouth of the Columbia river, deemed it unwise to compete with him, and gave up their project of making a settlement upon the Columbia. Both vessels continued upon the coast in quest of seal islands and in trading (1).

(1) Chapter XIV, page 173, of Franchere's charming narrative, details the visit of the ship *Albatross* to Astoria on the 4th of August, 1813. She had been chartered by Wilson P. Hunt to bring him from Canton.

Franchere says: "Captain Smith informed us that in 1810, a year before the founding of our establishment, he had entered the river in the same vessel, and ascended it in boats as far as Oak Point; and that he had attempted to form an establishment there; but the spot which he chose for building, and on which he had even commenced fencing for a garden, being overflowed in the summer freshet, he had been forced to abandon his project and re-embark. We had seen, in fact, at Oak Point, some traces of his projected establishment. The bold manner in which this captain had entered the river was now accounted for."

On the strength of this statement of Franchere, Greenhow accredits the making of the Oak Point settlement to Captain William Smith of Boston. But while it is true that Captain Smith was with the *Albatross* in May, 1810, there is no doubt that at the time she was commanded by Captain Nathan Winship. In an article entitled, "Americans at Sea," *Niles Weekly Register*, August 12, 1820, the able editor, in illustration of his text, quotes from the *Boston Daily Advertiser* notices of the exploits of Captain William Smith, of Boston, from which we extract: "A friend has furnished us with the following remarkable narrative of the very active and useful life of Mr. William Smith, who was born November 14, 1768, at Flowery Hundred, Prince George county, Va., and came to Boston in 1780. Since that date he has sailed out of this port. He has since that period performed eight voyages around the world, besides one voyage and back." Then follows a detail of the voyages, among which the following occurs:

"8th voyage. Sailed July 6, 1809, in the ship *Albatross*, Nathan Winship, master, and returned in the ship *O'Cain*, Robert McNiel, master, October 15, 1817. For about seven years of this voyage he commanded the *Albatross*, etc."

While these inland operations were being enacted, American vessels were pursuing an active trade in these latitudes. Nootka Sound continued the chief resort, but the Columbia river was frequently visited. James G. Swan, in his very readable "Northwest Coast," supplies a list of the northwest trading vessels from 1787 to 1809. It is of great historical interest, and may be accepted as a true exhibit of commercial enterprise in Northwest America.

Chapter XI.

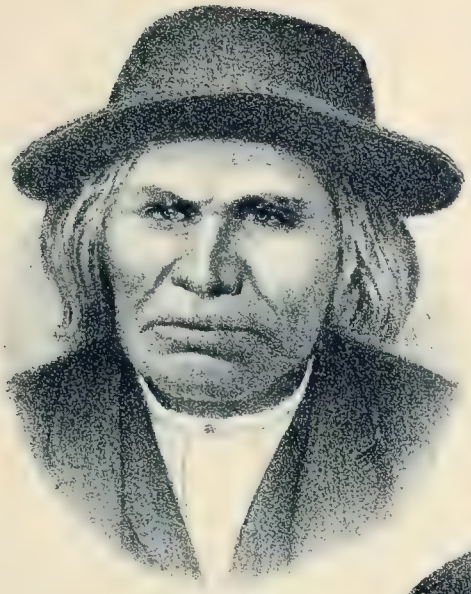
(1810–1818.)

John Jacob Astor Organizes the Pacific Fur Company — Intriguing Policy of the North West Company—Treacherous Conduct of Mr. Astor's Partners—Parties Sent by Sea and Overland to the Mouth of the Columbia River — Founding of Astoria — Loss of the Ship Tonquin — Launch of the Schooner Dolly, the First United States Vessel Built on the Pacific Coast — Pacific Fur Company Dissolved by British Partners — Transfer of Astor's Stock and Establishment to North West Company — The British Sloop-of-War Raccoon Captures Astoria, Changes Name to Fort George — End of Pacific Fur Company — American Employees Leave the Country — British Enter North West Company Service — Restoration of Astoria Under Treaty of Ghent.

IN 1810, John Jacob Astor, a native of Heidelberg and citizen of the United States, residing at New York, who had amassed a princely fortune in successful commercial operations, projected an enterprise which combined the prosecution of the fur trade in every portion of the unsettled territories of America claimed by the United States; the furnishing of the Russian settlement with trading goods and supplies, receiving furs in exchange; and the China trade. At the mouth of the Columbia river was to be established the depot and center of trade. Through the interior, along the Columbia and Missouri rivers and their tributaries, at convenient places to insure facilities of communication, posts were to be located for conducting trade across the continent. Briefly, his grand scheme involved the concentration of the fur trade, the exclusive right to supply the Russian establishments, and to receive in return Russian furs; from the sale of which said supplies were to be paid, as also commission retained. Mr. Astor, had he not been baffled by the treachery or cowardice of his agents, would have controlled the commerce between China and Northwest America.

A vessel was to be dispatched at regular intervals from New York to the Columbia river, laden with trading goods and supplies. Having discharged her cargo, she was to trade on the northwest coast and visit the establishments of the Russian Fur Company, then return to the river, and, with the furs collected during the year, sail to Canton and obtain her return cargo of China goods for New York. Mr. Astor regarded this Russian trade as a most important feature. Arrangements with the Russian government had guarded against difficulties likely to arise between the coasting vessels of the two companies.

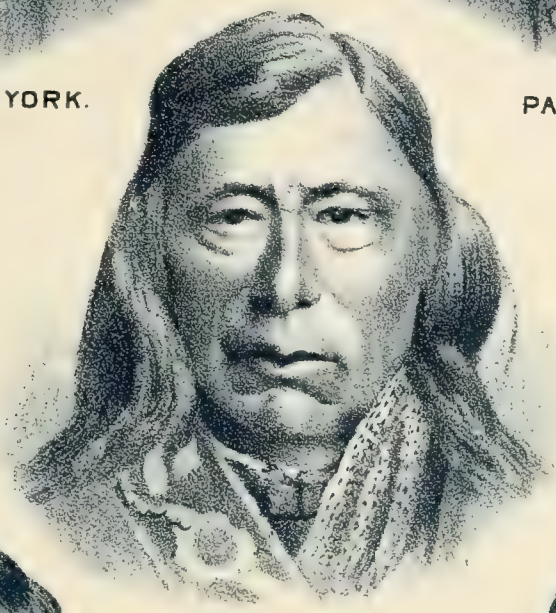
The North West Company had no trading-posts west of the Rocky Mountains south of fifty-two degrees north. That company's operations had been confined to the region called New Caledonia. Its managers were men of great energy and experience. Its business was conducted with perfect system and managed with consummate ability. Mr. Astor sought to avoid competition with that company. With this in view he made known



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THREE FEATHERS.

NOTED INDIAN CHIEFS.

his plans to them, invited their co-operation, generously offering a one-third interest in the enterprise. To gain the necessary time to enable the North West Company to send a party to occupy the mouth of the Columbia river before Mr. Astor's party could have reached such point, they pretended to take Mr. Astor's proposition under advisement. Having started David Thompson, the surveyor and astronomer of the company, with instructions to occupy the mouth of the Columbia river, to explore the river from its headwaters, and to watch the progress of the Astor enterprise, the North West Company formally declined Mr. Astor's proposition. Mr. Astor, fully aware of this ungracious return for his generosity and good will, prosecuted his enterprise with renewed vigor.

On the 23d of June, 1810, the Pacific Fur Company was formed. Mr. Astor says: "I preferred to have it appear as the business of a company, rather than that of an individual; the several gentlemen were, in effect, to be interested as partners in the undertaking, so far as respected the profit which might arise; but the means were furnished by me, and the property was solely mine, and I sustained the loss."

He associated as partners Alexander Mackay, Duncan MacDougal and Donald Mackenzie, all late of the North West Company, men of great experience. Mackay had accompanied Alexander Mackenzie in his two voyages of discovery. The partners subsequently admitted were David and Robert Stuart and Ramsay Crooks, Scotchmen, all of whom had been in the service of the North West Company, John Clarke, of Canada, Wilson P. Hunt and Robert Maclellan, citizens of the United States.

The articles of organization provided: Mr. Astor as the head of the company should remain at New York and manage its affairs. Vessels, goods, supplies, arms, ammunition and every necessary were to be furnished by him at prime cost, provided they did not necessitate at any time an advance to exceed $400,000. The stock was divided into one hundred shares, of which Mr. Astor retained fifty. The remainder went to other partners, and such persons as might be added to the company. Mr. Astor reserved the right to introduce other persons as partners, at least two of whom were to be conversant with the Indian trade; but no individual should be permitted to hold more than three shares of stock. Twenty years was the duration of the company; but at the end of five years, if the business was found to be unprofitable, it might be dissolved. For the first five years, all the loss was to be borne by Mr. Astor; after which each partner shared the loss in proportion to his stock.

The chief agent on the Columbia held the position for five years. Wilson P. Hunt was selected for the first term. When such chief agent was absent, the vacancy was to be temporarily filled by a meeting of the partners who were present. To faithfully execute the objects of the company, and to go to such places as they might be assigned, the partners solemnly bound themselves. Two of the British partners, before having subscribed, communicated to Mr. Jackson, British Minister, then in New York, the full details of Mr. Astor's project. They sought of him knowledge as to their *status* as British subjects trading under the flag of the United States, in the event of a war between the United States and Great Britain. Mackay was assured by the minister "that he saw our object was purely commercial, and that all that he could promise was that, in case of a war, they should be respected as English subjects and merchants." All scruples of those British partners were dissipated. Their patron did not learn until too late of this gross disregard of mercantile honor, or, possibly, he might have guarded himself from the humiliating sacrifice which effectually transferred his enterprise to unscrupulous enemies. The main party, consisting of Messrs. Mackay, MacDougal, David and Robert Stuart,

partners, twelve clerks (among whom was Gabriel Franchere, the author of the narrative of the voyage), five mechanics and thirteen Canadian voyageurs, was to go to the mouth of the Columbia river, *via* Cape Horn and the Sandwich Islands, until Mr. Hunt, chief agent, should arrive at the mouth of the river. Mr. MacDougal was to take charge. To convey this party, the ship *Tonquin*, 290 tons, was fitted for sea, commanded by Captain Jonathan Thorne, a lieutenant in the United States navy, on leave. A full assortment of Indian trading goods, a bountiful supply of provisions, and the frame timbers of a schooner, designed for coasting, garden seeds and other articles, in short, everything necessary to secure comfort, were provided for the proposed settlement.

Before the *Tonquin* was ready for sea, Mr. Astor had been advised that a British vessel of war was cruising off the Atlantic coast to intercept the *Tonquin* and impress the Canadians as British subjects. This was at the instance of the North West Company, purposed to defeat the arrival of the *Tonquin*, or so delay it that Mr. Thompson's party would have ample time to arrive first at the mouth of the Columbia. To thwart such interruption, Mr. Astor secured from the United States convoy off the coast, till the *Tonquin* could proceed on her voyage without interference from British cruisers.

On the 8th of September, the *Tonquin* sailed under convoy of the United States frigate *Constitution*, Captain Isaac Hull, United States navy. The incidents of that voyage will be found in that most readable of books, "Irving's Astoria," and in the very fascinating narrative of Franchere. Mr. Hunt, chief agent, with whom was associated Donald Mackenzie, was to lead a party overland to the mouth of the Columbia river, and had gone to Montreal and Fort William to recruit the necessary voyageurs for the service.

The *Tonquin* arrived at the mouth of the Columbia, and anchored in Baker's Bay on the 22d of March, 1811. The crossing of the bar and the entrance of the river were attended with most serious difficulties. Eight of the crew were lost in the attempt to examine the shores and bays, and mark out the channel.

On the 12th of April, the launch, with sixteen persons, freighted with supplies, crossed the river and landed upon Point George. There and then was established a settlement, to which was given the name of Astoria, in honor of the projector of the enterprise. By the end of the month, the keel of the schooner of thirty tons had been laid, to be constructed of the frame timbers brought out in the *Tonquin*.

The report that a party was establishing a post at the second rapids of the Columbia was the occasion of Mackay ascending the river to the first rapids, now called the Cascades. His Indian crew refused to go farther. At that point nothing could be definitely learned of any Whites being on the upper Columbia. The intelligence that a trading-house had been established by the North West Company, on the Spokane river, was shortly afterwards confirmed (1).

On the first of June, the *Tonquin* sailed north, Alexander Mackay, one of the partners, accompanying as supercargo. By the middle of the month, she had reached Clyoquot Sound, on the west coast of Vancouver's Island, and was anchored opposite the Indian town of Newitty. They were about to commence trade with Indians of Wicanish's tribe for sea-otter skins. At a preconcerted signal, the Indians, who had unwisely been permitted to crowd the deck of the *Tonquin*, commenced an attack. Captain Thorne and Mr. Mackay were almost immediately killed. All upon deck met a like fate. When Captain Thorne first observed that the actions of the Indians indicated hostility, he had

(1) This was the Spokane House, established twenty miles from the mouth of Spokane river by Macdonald, clerk in the North West Company's service. About the same time, that company also established forts on Clark's Fork of the Columbia, and on the Kootenais.

endeavored to make sail, and had ordered some of the crew up into the rigging. Five of the sailors were still aloft; one in ascending was badly wounded. The remaining four had continued concealed. After the fight was over, the Indians went ashore. Returning to rob the ship, the five survivors successfully repelled the savages with firearms. In the night, at the urgent solicitation of Lewis, the wounded sailor, the four left the ship in one of her boats. Next morning the Indians in great numbers again boarded the *Tonquin*. When they had most numerously collected, the gallant Lewis, the wounded sailor, fired the magazine, blew up the ship, creating sad havoc among the hordes of savages who were stripping and robbing the *Tonquin*. Thus was the murder of Captain Thorne and the crew of the *Tonquin* promptly avenged. The four sailors who had endeavored to escape were overtaken and put to death with atrocious torture. One Indian interpreter was the sole survivor of that cruel massacre. He was retained in close captivity for more than two years, when he escaped through the various coast tribes. The account of the loss of the *Tonquin* was derived from the interpreter on his return to Astoria. There had been a misunderstanding between Captain Thorne and the Indian chief on the preceding day. Captain William Smith, an old and experienced trader on the North Pacific coast, then mate of the *Albatross*, of Boston, attributed the real provocation of this tragic affair to the conduct of Captain Ayres, of Boston. A short time previous the latter had been trading at Clyoquot Sound, and had induced some ten of the tribe to accompany him to the islands near the Bay of San Francisco, to hunt seals. He had given a most positive assurance for their safe and early return. He sailed southward and violated that promise. In accordance with Indian custom, his inhuman perfidy was revenged by an equivalent sacrifice, from white men who fell into the hands of the outraged tribe.

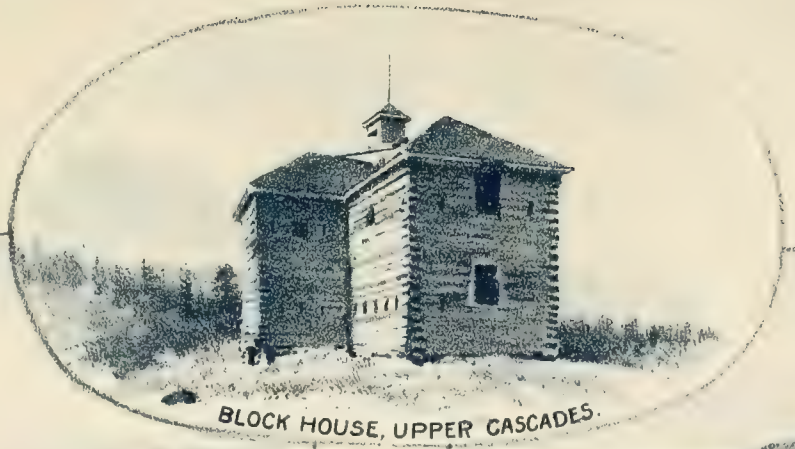
On the 15th of July, David Thompson, astronomer of the North West Company, in a canoe bearing the British flag, with a crew of eight white men, arrived at Astoria. In the summer of 1810, the North West Company fitted out the Thompson party; and, when the necessary start had been secured to effect their object, they declined Mr. Astor's proposition for co-operation in his project. Thompson reached the Rocky Mountains, but was long delayed in finding a pass. Several of his party deserted, which necessitated his return to the nearest post to winter. In the early spring of 1811, he hurried forward, crossing the Rocky Mountains in fifty-two degrees north, and striking the extreme northern source of the Columbia, where a canoe was built to descend the river. In their descent they built huts at the forks of rivers, erecting flags, distributed little flags among the natives, and took formal possession of the country watered by the Columbia and its tributaries, in the name of the King of Great Britain, for the North West Company. But Mr. Astor's settlement had been effected. Thompson could not occupy the lower Columbia and its mouth; but he made an exploration and reconnoissance of the river and the immediately adjacent country. Franchere observes: "Mr. Thompson kept a regular journal, and traveled, I thought, more like a geographer than a fur trader. He was provided with a sextant, chronometer and barometer, and, during a week's sojourn at our place, had an opportunity to make several astronomical observations." Though sent by the North West Company to countervail the operations of a rival enterprise, in fact upon a hostile expedition, yet Mr. MacDougal, the temporary chief agent representing Mr. Astor, received him with the utmost cordiality. Against urgent remonstrance of David Stuart, he furnished Mr. Thompson with supplies and the means to return. David Stuart was about starting for the Spokane country to establish a post, when Mr. Thompson arrived. Mr. Stuart consequently delayed his departure until the 23d, when both parties

started in canoes for the upper Columbia. They continued together for more than six hundred miles, when Mr. Thompson and his party left the river and marched overland across the Rocky Mountains. At the junction of the Columbia and the Okanagon rivers, Mr. Stuart erected Fort Okanagon, the first interior post west of the Rocky Mountains south of latitude forty-nine degrees north. Of the drift wood collected on the promontory made by the two rivers, he built a log house in which he and his company wintered.

On the 2d of October, the schooner *Dolly* was launched. She was the first United States vessel built on the Pacific coast. The infant settlement at Astoria was in a very discouraging, despondent condition. The little band, reduced in numbers, had not learned of the sad fate of the *Tonquin*, now overdue; and their anxiety for their fellows was intensified by Indian rumors, that a ship on the Strait of Fuca had been destroyed and her crew murdered. Their supplies were growing low; nothing had been heard of Mr. Hunt and his overland party. Winter was upon them, and there was but little to give encouragement.

On the 8th of January, 1812, a portion of Mr. Hunt's party reached Astoria in a most wretched plight. The remainder arrived on the 15th of February. The party had experienced the most severe hardships in their tedious journey. Messrs. Hunt and Mackenzie, at Montreal, in their efforts during the summer of 1810 to secure men, had been subjected to the greatest difficulty through the jealous interference of the North West Company. Men who had engaged to serve were dissuaded, threatened and bought. Unsuccessful at Montreal, they went to Fort William, where the same annoyances were renewed. From thence they went to St. Louis, where they arrived September 3d. At that point the Missouri Fur Company baffled Mr. Hunt's effort, even more than the North West Company had done at Montreal and Fort William. To retain the men he had secured, Mr. Hunt, on the 21st of October, left St. Louis. The party in three boats ascended the Missouri river four hundred and fifty miles to the mouth of the Nodowa, where, on the 16th of November, he established winter quarters. Mr. Hunt, to reinforce his party, then returned to St. Louis, where he arrived January 1, 1811. After continued annoyance and vexatious disappointments, he made up his force, returned to the winter camp, and started, April 17th, for the Columbia river. They ascended the river in four boats, the largest of which mounted a swivel and two howitzers. In the party were five partners, Messrs. W. P. Hunt, Donald Mackenzie, Robert Maclellan, Ramsay Crooks and Joseph Miller, one clerk, forty voyageurs, an interpreter and several hunters. The Missouri Fur Company continued its persecutions during the ascent of the river, subjecting Mr. Hunt's party to delays, difficulties and annoyances by the Indians. Having traveled fourteen hundred miles, they abandoned the boats and marched overland. Following the headwaters of the Yellowstone, they crossed the Rocky Mountains in September. Having reached one of the affluents of Lewis' Fork of the Columbia, the party built canoes, intending to descend to the mouth of the Columbia. In consequence of the rapids and dangerous navigation, the river was abandoned and the journey to Astoria resumed by land.

On the 5th of May the *Beaver*, a ship of 490 tons, Captain Sowles, which had been dispatched by Mr. Astor the preceding October, arrived at Astoria. She brought as passengers John Clarke, of Canada, a partner, six clerks, and twenty-six Kanaka laborers. Among the clerks was Ross Cox, author of the "Adventures on the Columbia River." In those "Adventures," Mr. Cox thus pictures Astoria, as it was upon his arrival in May, 1812:



BLOCK HOUSE, UPPER CASCADES.



MIDDLE BLOCK HOUSE,
CASCADES, W. T.



PIONEER PRINTING OFFICE,
LAPWAI.



CROCKETT'S OLD STOCKADE,
WHIDBY'S ISLAND, PUGET SOUND.

"The spot selected for the fort was a handsome eminence called Point George, which commanded an extensive view of the majestic Columbia in front, bounded by the bold and thickly wooded northern shore. On the right, about three miles distant, a long, high and rocky peninsula, covered with timber, called Tongue Point, extended a considerable distance into the river from the southern side, with which it was connected by a narrow neck of land; while on the extreme left Cape Disappointment, with the bar and its terrific chain of breakers, were distinctly visible. The buildings consisted of apartments for the proprietors and clerks, with a capacious dining-hall for both; extensive warehouses for the trading goods and furs, a provision store, a trading-shop, a smith's forge, carpenter's shop, etc.; the whole surrounded by stockades forming a square, and reaching about fifteen feet above the ground. A gallery ran around the stockades, in which loopholes were pierced, sufficiently large for musketry; each bastion had two stories, in which a number of chosen men slept every night; a six-pounder was placed in the lower story of each, and they were both well provided with small arms. Immediately in front of the fort was a gentle declivity, sloping down to the river's side, which had been turned into an excellent kitchen garden; and, a few hundred rods to the left, a tolerable wharf had been run out, by which bateaux and boats were enabled, at low water, to land their cargoes without sustaining any damage. An impenetrable forest of gigantic pines rose in the rear; and the ground was covered with a thick underwood of briar and whortleberry, intermingled with ferns and honeysuckle."

In June, the brigades, as they were called, left Astoria for the interior, respectively under the charge of John Clarke and Donald Mackenzie, who were sent to the Upper Columbia country to establish trading-posts. The former established a post at the junction of the Spokane and Coeur d'Alene rivers, and the latter on the Shahaptan river, or the Lewis' Fork of the Columbia, now called Snake river. A third party under David Stuart returned to Fort Okanagon, and during the season went north to Thompson's river.

On the Willamette, 150 miles from its mouth, another trading-post was located. Robert Stuart left at the same time to cross the continent as bearer of dispatches to Mr. Astor. He was accompanied by Robert Maclellan, Ramsay Crooks, Joseph Miller, partners, Benjamin Jones, hunter, and two voyageurs. The parties traveled together to the Walla Walla river. Robert Stuart's party then traveled southeast, and, in the month of November, discovered the South Pass in the Rocky Mountains, which afterwards became the great gateway of the emigrant route to the Pacific. They wintered on the Platte river, and arrived in St. Louis in April, 1813.

On the 4th of August, the *Beaver* sailed for Sitka, Mr. Hunt accompanying. Pursuant to Mr. Astor's instructions, she was to have returned to Astoria for the furs there collected before sailing to Canton, and hence was due at Astoria in October. While at Sitka, Mr. Hunt negotiated with Baranoff, Governor of Russian America, a highly advantageous arrangement for the Pacific Fur Company. The two companies were not to interfere with each other's hunting or trading grounds; and they were to operate jointly against trespassers on the rights of either. The Pacific Fur Company was to enjoy the exclusive privilege of supplying the Russian posts, the pay for which was to be in peltries. The Pacific Fur Company was to receive all the Russian furs and convey them to Canton, and to receive a commission for their sale.

Having collected large quantities of furs, the *Beaver* proceeded to Canton *via* the Sandwich Islands, instead of returning to Astoria. Mr. Hunt went with her to Oahu, there to await the vessel then expected from New York, by which he was to return to

Astoria. Before this agreement could go into effect, war had been declared between Great Britain and the United States. Mr. Astor learned that the North West Company was fitting out the *Isaac Todd*, a ship mounting twenty guns, to seize Astoria. As a large majority of the employés of the company were British subjects, Mr. Astor anticipated difficulty, as soon as the existence of the war should become known. He appealed to the United States government for a force to defend Astoria, to maintain possession of the mouth of the river.

His efforts being in vain, he fitted out the *Lark*, which sailed March 6, 1813. In the early part of 1813, matters at Astoria were in a very unsatisfactory condition. The *Beaver*, with Mr. Hunt on board, expected in October preceding, had not been heard from, and great anxiety was felt as to her safety. Mr. Mackenzie had been very unsuccessful at his post on the Shahaptan river and, becoming disheartened, had determined on being assigned to another post. In this mood he visited Mr. Clarke. While Mackenzie was there they were visited by John George MacTavish, a partner of the North West Company, who communicated the news of the declaration of war, and boastfully stated that the North West Company's armed ship, the *Isaac Todd*, had sailed, and was to be at the mouth of the Columbia in March, and that he had received orders to join her at that time; that full supplies had been sent by his company for the country west of the Rocky Mountains, and, with the coming spring, the North West Company would be prepared for vigorous opposition. Mackenzie no longer doubted as to his course. He at once returned to Shahaptan, broke up the post, cached all the provisions, and with his party went to Astoria, which they reached January 16th.

Having communicated the news of the war to MacDougal, who was agent-in-charge during Mr. Hunt's prolonged absence, the two, the only partners present, resolved to abandon Astoria in the coming spring and recross the Rocky Mountains. To enable them to execute this resolve, Mackenzie set off at once to recover the cached provisions, and with them purchase from the Indians necessary horses. He carried dispatches from MacDougal to Messrs. Clarke, and D. Stuart, apprising them of the resolution to abandon Astoria and to return to the United States, and advised the making of necessary preparations. On his way, Mackenzie met a party of the North West Company in command of MacTavish and Laroque, *en route* to the mouth of the Columbia to await the arrival of the *Isaac Todd*. The parties camped together, leaders and men, as the graceful Irving remarks, "mingled together as united by a common interest, instead of belonging to rival companies trading under hostile flags."

When Mackenzie reached Shahaptan, he found his cache had been robbed by the Indians; he was therefore without means to purchase horses. He forwarded the orders of MacDougal to Messrs. Clarke, and David Stuart. Walla Walla was agreed upon as a rendezvous for the three parties to meet, to proceed together to Astoria for conference. In two boats and six canoes, they together descended the Columbia river, reaching Astoria June 12th. MacDougal had determined on dissolving the company July 1st, and had so apprised MacTavish. Both Stuart and Clarke, who had been very successful, refused to break up their posts; and they utterly ignored the advice to provide horses and make preparations for leaving the country. Mackenzie's provisions having been stolen, he had failed to accomplish anything, and of necessity the departure was deferred. Messrs. Clarke and Stuart finally yielded consent, that if aid did not come from the United States, and the prospect at Astoria improve, the country should be abandoned in the ensuing year.

MacTavish, who was camped at the fort, made application to purchase trading goods. MacDougal proposed to sell to him the post on the Spokane, for horses to be delivered the next spring. After much urging by MacDougal and Mackenzie, this proposition was accepted. Messrs. Clarke and Stuart were to winter at their posts. Mackenzie was transferred to the post on the Willamette for the winter; three clerks, among whom was Ross Cox, were transferred to the service of the North West Company. An arrangement for the dissolution of the company, to take effect June 1st of the next year, in accordance with the articles of agreement, which provide for an abandonment of the enterprise should it be found unprofitable, was signed by the four partners. Clarke and Stuart were extremely reluctant, yielding because of the determination of MacDougal and Mackenzie to abandon the country. On the 20th of August, Hunt arrived at Astoria. He was powerless to change the result. The causes of discouragement were presented by MacDougal, who pretended that he desired to save Mr. Astor's interest before the place fell into the hands of the British vessels on their way out. Mr. Hunt at length acquiesced, and consented that the management of the business should be intrusted solely to MacDougal, if he (Hunt) did not return by the 1st of January. Mr. Hunt then sailed to secure a vessel to convey the property to the Russian settlements till peace was declared, and also to give a return passage to the Sandwich Islands of the Kanaka laborers. Hunt agreed that, if the men became dissatisfied, they might be transferred to the North West Company, MacTavish becoming responsible for their wages, accepting goods to discharge indebtedness to them.

On the 2d of October, Mackenzie, with a party of twelve men in two canoes, started to advise Messrs. Clarke and Stuart of the new arrangement. He met MacTavish and J. Stuart, partners of the North West Company, with seventy-five men in ten canoes, on their way down the river to meet the frigate *Phœbe* and the ship *Isaac Todd*. Clark had been advised of the alarming news, and he had come with them as a passenger. Mackenzie camped with the party that night and resolved to return with them to Astoria. Mackenzie and Clarke during the night made an attempt to slip off, with a view of getting a start, and reaching Astoria first with the news. But as they pushed out into the river two of MacTavish's canoes followed. On the 7th of October, MacTavish and Mackenzie both reached Astoria. The North West Company's party camped at the fort. Macdougal prohibited the hoisting of the American flag by the young American employés. The next day MacDougal read to the assembled employés a sensational letter from his uncle Angus Shaw, one of the principal stockholders of the North West Company, announcing the sailing of the frigate *Phœbe* and the ship *Isaac Todd*, with orders "to take and destroy everything American on the northwest coast."

This dramatic scene was followed by a proposition of MacTavish to purchase the interests, stocks, establishments, etc., of the Pacific Fur Company. MacDougal then assumed sole control and agency because of the non-arrival of Hunt, and after repeated conference with MacTavish, in which the presence of the other partners was ignored, the sale was concluded at certain rates. A few days later, Mr. J. Stuart arrived with the remainder of the North West party. He objected to MacTavish's prices, and lowered the rates materially. Mr. Stuart's offer was accepted by MacDougal; and the agreement of transfer was signed October 16th. By it Duncan MacDougal, for and on behalf of himself, Donald Mackenzie, David Stuart and John Clarke, partners of the Pacific Fur Company, dissolved July 1st, pretended to sell to his British *confrères* and co-conspirators of the North West Company "the whole of the establishments, furs and present stock on hand,

on the Columbia and Thompson's rivers," payable in three drafts on Montreal. This transaction, so dishonorable and perfidious to Mr. Astor, so disgraceful to the parties who consummated it, is thus detailed by John Jacob Astor in a letter to John Quincy Adams, Secretary of State:

"MacDougal transferred all my property to the North West Company, who were in possession of it by sale, as he called it, for the sum of fifty-eight thousand dollars, of which he retained fourteen thousand dollars for wages said to be due to some of the men. From the price obtained for the goods, etc., and he having himself become interested in the purchase and made a partner of the North West Company, some idea may be formed as to this man's correctness of dealing. He sold to the North West Company eighteen thousand, one hundred and seventy and a quarter pounds of beaver at two dollars, which was at that time selling in Canton at five and six dollars per skin. I estimated the whole property to be worth nearer two hundred thousand dollars, than forty thousand dollars, about the sum I received in bills on Montreal."

After David Thompson had returned, in 1811, from his expedition to secure for the North West Company the first occupancy of the mouth of the Columbia, the North West Company urged interference by the British government to prevent the establishment of American settlements in the territory drained by the Columbia river. The British government, while peace continued, had declined to assert acts of exclusive sovereignty over the region. Upon the declaration of war, the North West Company renewed its efforts with the government to expel its rivals, to seize and occupy the territory. Its appeals were based on national policy. The wealth and importance of the country were portrayed; the Americans should be prevented from firmly establishing themselves and acquiring the territory. The company's petitions were successful. They asked for convoy for their ship *Isaac Todd*, which was a storeship to carry out supplies, provisions, goods and necessaries to establish settlements, to hold the country against Americans, and acquire its entire trade. A squadron, consisting of the frigate *Phœbe*, the sloops-of-war *Raccoon* and *Cherub*, was ordered to the mouth of the Columbia "to take Fort Astoria and destroy the settlement." Ross Cox, one of Astor's clerks who deserted him and took service in the North West Company, thus narrates the capture of Astoria:

"The *Isaac Todd* sailed from London in March, 1813, in company with the *Phœbe*, frigate, and the *Cherub* and *Raccoon*, sloops-of-war. They arrived safe at Rio Janeiro, and thence proceeded around Cape Horn to the Pacific, having previously made arrangements to meet at Juan Fernandez. The three men-of-war reached the latter island, after encountering dreadful gales about the cape; they waited there some time for the *Isaac Todd;* but, as she did not make her appearance, Commodore Hillyer did not deem it prudent to remain any longer inactive. He therefore, in company with the *Cherub*, proceeded in search of Commodore Porter, who, in the American frigate *Essex*, was clearing the South Seas of English whalers, and inflicting other injuries of a serious nature on our commerce. He shortly after met the *Essex* at Valparaiso, and after a severe contest captured her.

"At the same time he ordered Captain Black, in the *Raccoon*, to proceed direct to the Columbia, for the purpose of destroying the American settlements at Astoria. The *Raccoon* arrived at the Columbia on the 1st of December, 1813. The surprise and disappointment of Captain Black and his officers were extreme, on learning the arrangement that had taken place between the two companies, by which the establishment had become British property. They had calculated on obtaining a



CAPT. Wm MARTIN,

PENDLETON, OR.

A PIONEER OF 1843.

splendid prize by the capture of Astoria, the strength and importance of which had been much magnified; and the contracting parties were therefore fortunate in having closed their bargains previous to the arrival of the *Raccoon*.

"On looking at the wooden fortifications, Captain Black exclaimed: 'Is this the fort about which I have heard so much? D—n me, but I'd batter it down in two hours with a four-pounder.' Captain Black, however, took possession of Astoria in the name of his British Majesty, and re-baptised it by the name of Fort George. He also insisted on having an inventory taken of the valuable stock of furs, and all other property purchased from the American company, with a view to the adoption of ulterior proceedings in England for the recovery of the value from the North West Company; but he subsequently relinquished this idea, and we heard no more about his claims."

The formal capture of Fort Astoria took place on the 12th of December, at which time the colors of the United States were hauled down and the flag of Great Britain raised.

In the August preceding, Mr. Astor's chief agent, Mr. Hunt, had left Astoria in the ship *Albatross* for the Sandwich Islands to procure a ship to receive the property of the Pacific Fur Company, and to afford passage to such of its employés as desired by sea to return to the United States. The ship *Lark* sent out by Mr. Astor, on arriving at the Islands, was wrecked. The *Beaver* was still blockaded in China. Mr. Hunt at length purchased the brig *Pedler*, put Captain Northup, late of the *Lark*, in command, and returned to Astoria on February 28, 1814. He found the fort converted into a North West Company establishment. His late copartner MacDougal, whom he had left in charge to represent Mr. Astor, was still in charge, but now transformed into a North West Company partner. There was nothing left Mr. Hunt to do but to receive from MacDougal the drafts on Montreal, the purchase-money for the stock and establishments of the Pacific Fur Company. The *Pedler* then sailed for New York, by way of Canton, Mr. Hunt and three of the clerks of the late company being passengers. The remainder of the employés either engaged in the service of the North West Company, or returned overland with Messrs. Mackenzie, Clarke and David Stuart, who started April 4th. The arrival of the ship *Isaac Todd* on the 17th of April, with a full cargo of trading goods and supplies, enabled the North West Company, now exclusive masters of the field, vigorously to prosecute the fur trade, and establish themselves in the territory.

Thus disgracefully failed a magnificent enterprise, which merited success for sagacity displayed in its conception, its details, its objects; for the liberality and munificence of its projector in furnishing means adequate for its thorough execution; for the results it had aimed to produce. It was inaugurated purely for commercial purposes. Had it not been transferred to its enemies, it would have pioneered the colonization of the northwest coast by citizens of the United States; it would have furnished the natural and peaceful solution of the question of the right of the territory drained by the Columbia and its tributaries.

Perhaps, had Mr. Astor been a native of the United States, instead of one of its most patriotic, generous and wealthy adopted citizens, he would have appreciated that in 1809-10, when about to develop this grand conception of mercantile genius, that the antipathy between natives of the British Empire and the United States, the natural result of the latter having conquered its independence, had not then been effaced. Indeed, at that time it was manifesting itself in a bitter renewal, which so shortly afterward developed into actual war. As a merchant devoid of such national prejudice because of his different nationality, he could not, did not, realize that a purely mercantile arrangement might not

be successfully conducted by and between citizens and subjects of different countries. He entirely overlooked that inbred, ineradicable, national prejudice (for it had no place in his bosom) which displayed itself in the contempt that Vancouver so conspicuously had manifested for Gray when off the Strait of Fuca, the latter having ventured to assert a belief that a river emptied into the ocean where was afterwards discovered the great Columbia; which the sagacious, able, but narrow-minded, though ever British, Sir Alexander Mackenzie had so palpably exhibited in his appeal to the capitalists of Great Britain to advance the fur trade, to occupy the territory and coasts of Northwest America; wherein he contemptuously ridiculed "American adventurers who would instantly disappear before a well-regulated trade." The big-souled Astor had failed or was quite unable to realize what might result from a national hatred and jealousy, which could not be concealed because the great Columbia was discovered by a practical American sailor, when scientific navigators had failed to find its mouth; which aimed to head off Lewis and Clark by the effort to reach the mouth of the Columbia river in advance of those gallant American soldiers and explorers; which had converted the men to whom he had bountifully supplied the means to acquire wealth, without possibility of risk or loss, into informers to his enemies of plans revealed to them in confidence; which converted rivals in business into unscrupulous and unrelenting personal and national enemies.

The scheme was grand in its aim, magnificent in its breadth of purpose and area of operation. Its results were naturally feasible, not over-anticipated. They were but the logical and necessary sequence of the pursuit of the plan. Mr. Astor made no miscalculation, no omission; neither did he permit a sanguine hope to lead him into any wild or imaginary venture. He was practical, generous, broad. He executed what Sir Alexander Mackenzie urged should be adopted as the policy of British capital and enterprise. That one American citizen should have individually undertaken what two mammoth British companies had not the courage to try was but an additional cause which had intensified national prejudice into embittered jealousy on the part of his British rivals, the North West Company.

The effect of war upon a commercial enterprise mutually engaged in by subjects of the hostile nations had not been considered by Mr. Astor. He believed that, for favors conferred, a sense of gratitude might dictate loyalty of service to the patron and friend; that common interest in an undertaking would hold together the parties enlisted. He trusted those whose every prejudice had been fostered and educated to hate the success of a rival trader; who coveted for their King and country the territory which Mr. Astor had selected for his fields. The act of Mackay and MacDougal, which revealed to the British Minister Mr. Astor's purposes and offers before they had subscribed the articles, proves them to have been more loyally British than true to the Pacific Fur Company or honest to Mr. Astor. The breaking up of the post of Shahaptan by Mr. Mackenzie on the first tidings of war between the two countries exhibits the true animus of Mackenzie to disavow connection with Mr. Astor the moment his exalted idea of being a British subject demanded its assertion. The premature resolve of MacDougal and Mackenzie in January, 1813, to dissolve the Pacific Fur Company, to abandon their trusts and leave the country, was dictated by treachery to Mr. Astor, loyalty to his enemies, or to cowardice. Their continued and persistent purpose to carry out this intention demoralized the other partners and destroyed the business committed to their charge. Thus far perhaps their conduct finds extenuation in admitting that it was but the natural response to their national prejudices; nor should Mr. Astor censure for doing what love of country or allegiance prompted.

It might be claimed that their fear was well grounded; that the territory and the establishment were to fall into the hands of the British expedition *en route* to capture Astoria; and that, by those acts, something could be saved to Mr. Astor. But MacDougal's conduct from this point was in studied and consistent obedience to the interest of the North West Company. Not satisfied with deserting Mr. Astor's service, he transferred to the rival company every vestige of the labors of Mr. Astor, banishing from the territory, and from existence, the Pacific Fur Company. He then was admitted as a full partner of the North West Company on the day that Captain Black of the British navy raised the British flag over Fort Astoria, and attempted to efface the memory of the origin of the settlement by giving it the new name of Fort George. This fact he concealed from his late partners, continuing to represent Mr. Astor, though partner of the North West Company in charge of Fort George, until Mr. Hunt's arrival, on the 28th of February, 1814. The Pacific Fur Company's weakness was in the fact, that it was organized as a commercial operation, nay, more;—it incorporated diffuse and hostile national elements. Had it been exclusively American, the North West Company might have supplanted it by open hostility; it could not have destroyed it by demoralization of its agents. Astor had not really aimed to Americanize the North Pacific, nor the territory in which he operated. The North West Company pursued the reverse policy. It sought to appropriate territory, to strengthen and expand the British Empire, looking to that nation to build it up, to afford it protection. It aimed to defeat the United States or any of its citizens in acquiring territorial rights on the northwest coast. As said by Alexander Mackenzie, it aimed to expel American adventurers from prosecuting the fur trade west of the Rocky Mountains.

Great Britain never swerved from the policy of encouraging these colonizing acts of her mammoth companies by the prestige of recognition. She espoused every difficulty which resulted from the acts of her subjects in appropriating territory. The United States hesitated, until by the blockade of her Atlantic ports she was furnished an excuse for allowing the project of John Jacob Astor to become abortive. National recognition would have offset British demoralizing influence; the mouth of the Columbia might not have fallen into the hands of the enemy. Had the Pacific Fur Company been a genuine American movement, Astoria might have been captured by the British during the war of 1812; it would not have been insidiously circumvented and destroyed by the perfidy and ingratitude of trusted agents.

Pursuant to the first article of the treaty of peace between the United States and Great Britain (the Treaty of Ghent, December 24, 1814), providing "that all territory, places and possessions whatsoever taken by either party from the other, during or after the war, should be restored, the United States, in September, 1817, dispatched to the mouth of the Columbia river the sloop-of-war *Ontario*, Captain James Biddle, U. S. navy, with whom was associated J. B. Prevost as commissioner, "to assert the claim of the United States to the sovereignty of the adjacent country, and especially to reoccupy Astoria or Fort George." The British government transmitted orders to the agent of the North West Company to deliver said fort or post "as one of the places captured during the war." Captain Biddle entered the river in August, 1818, and on the 19th raised the flag of the United States over Astoria, restoring to it that name. U. S. Commissioner J. B. Prevost had been detained in Chile, arriving in the British frigate *Blossom*, Captain Hickey, R. N. James Keith, partner of the North West Company, was in charge. The formal surrender by Captain Hickey, on the part of the Crown, and by Mr. Keith, on behalf of the North West Company, is dated October 6, 1818. The fort had been

considerably enlarged. It consisted of a stockade 250 by 150 feet, within which were a number of dwelling-houses, stores, workshops and other buildings. The defenses were two eighteen-pounders, four four-pounders, two six coehorns and several swivels,—all mounted. Twenty-three Whites, twenty-six Kanakas, twenty Canadian half-breeds and a number of women and children resided and were employed within the inclosures.

Though Mr. Astor urged the United States government to repossess Astoria, and intended to resume operations in the territory, the Pacific Fur Company was never resuscitated. Neither did Mr. Astor ever reoccupy Astoria or engage in the fur trade within the territory. The North West Company continued its trade with the Indians under the provisions of the treaty of October 20, 1818, between Great Britain and the United States, usually called the Joint-Occupancy Treaty. Its third article provides:

"That any country which may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to effect the claims of any other power or state to any part of said country; the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves."



HON. ALBERT BRIGGS,

PORT TOWNSEND, W. T.

PIONEER 1847

Chapter XII.

(1814–1824.)

The North West Company Exclusive Occupants of the Territory West of the Rocky Mountains — Antecedent History and Policy of Said Company — Rivalry and Open Hostility Between the North West and Hudson's Bay Companies — Adjustment of the Differences by a Partnership in Fur Trade Prosecuted Under Charter of Hudson's Bay Company — License of Exclusive Trade Extending to the Pacific Ocean Granted by the British Government — The Hudson's Bay Company Succeed to All Rights Under Said License — The North West Company Merged Into the Hudson's Bay Company.

THE disastrous and disgraceful termination of Astor's enterprise in October, 1813, left the Northwest Company in exclusive occupancy of the Columbia. Their posts extended through the basins of the Columbia and New Caledonia. With the exceptions of the establishments of the Russians upon the extreme northwest, and one or two trading posts of the American Fur Company in the extreme southeast, the North West Company enjoyed sole possession, and were without competition in the Indian and fur trade, in the territory west of the Rocky Mountains. This state of affairs continued without change for several years. The Joint-Occupancy Treaty of October 20, 1818, between the United States and Great Britain, conferred upon the company as British subjects full sanction to prosecute their trade in the territory.

For a period the North West Company wielded a powerful influence in British America. Its operations reached far and wide into the unexplored, unoccupied interior of the continent. It respected no right of territory; it sent out its parties wherever profit remunerated its labors. The inland voyages of discovery of Sir Alexander Mackenzie were made in its interest. In 1804, advised of the proposed expedition of Lewis and Clark, it attempted to forestall that great project of Jefferson to acquire knowledge of the interior and great west, by sending Daniel W. Harmon in charge of a party, with instructions to reach the mouth of the Columbia in advance of the United States expedition. Owing to his health, that effort at circumvention proved abortive. Mr. Laroque, another partner, started the next year (1805) to establish posts and occupy the terrritory upon the Columbia and its tributaries. The Mandan country was the western terminus of his expedition.

In 1806, Simon Fraser, another partner, successfully led a party across the Rocky Mountains, and established a post on Fraser's Lake, fifty-four degrees north. The country west of the Rocky Mountains north of fifty-two degrees north latitude was thereafter called New Caledonia by the North West Company; and in it several of their trading-posts had soon after been established. In every instance the territory had been taken in the name of the British Crown, for the North West Company. Identified with the region for years the company controlled its native population, and absorbed the wealth of the

country. The territory in fact was its domain. Its establishments and possessions constituting those material acts upon which Great Britain relied to support her territorial claim, it becomes interesting to learn the antecedents, the origin, the policy, the history of the North West Company,—how far it molded the history of the region.

Although organized in 1784, the North West Company did not attain to its imperial influence and prestige until early in the present century. In 1805 it had become the successful rival of the Hudson's Bay Company for the fur trade of the interior and the northern part of the continent of North America. It not only prosecuted the trade, but aggressively denied the vast territorial claims of the Hudson's Bay Company; it insisted that that company's grant should be strictly construed and restricted to the Hudson's Bay Territory as defined in its charter. For upwards of a century before the North West Company had an existence, the Hudson's Bay Company, to a very great extent, had enjoyed the fur trade of the interior and northern part of North America. The policy and organization of those two model trading companies were radically dissimilar. The internal regulation, system of trade and establishments were widely different. The ultimate purpose was the same; its accomplishment was by methods that were diametrically opposite.

The Hudson's Bay Company had been granted by the Crown vast territories, under which they made settlements, occupied country and prosecuted trade. The North West Company was a joint-stock association, a partnership of enterprising traders who waited for no royal charter, but pursued their business in the unoccupied wilderness. To them possession was sufficient. They cared not for territory; settlement was no part of their mission. The Hudson's Bay Company relied upon its franchise of exclusive trade to guarantee it against competition within the territories granted by Charles II. Its trading-posts were established sufficiently near to each other to render them accessible to the whole Indian population, thus absorbing the entire Indian trade,—sufficiently near for assuring co-operation in the event of Indian outbreaks. Thus were the native tribes held in check; and the brigades were furnished convenient halting places in the transportation of supplies and trading goods to the remote posts, and the returns from them of furs and peltries. At each fort a store well supplied with articles ministered to the wants, or gratified the desires, of the natives. The Indians had become dependent upon those posts for the necessaries of life; zealously they collected furs to barter for articles which to them had become indispensable. That company's entire dependence for furs was upon the native hunters. The winter months were occupied by Indians in hunting and trapping; in the summer they visited the posts to sell their winter's work. The system of the Hudson's Bay Company encouraged the Indians to bring to their posts furs and peltries. At stationary posts, the company prosecuted the trade. It neither employed nor sent out hunting parties. The furs were brought to them and exchanged at their own fixed tariff of prices. As all competitors were excluded from their territory, the company enjoyed a perfect monopoly.

The old North West Company (a French association which had ceased to exist when the Canadas became British provinces) had become competitors of the Hudson's Bay Company, beyond the recognized area of the Hudson's Bay Territory. The boundaries of Prince Rupert's Land or the Hudson's Bay Territory had never been definitely determined. There had always been contention in those regions to which the Hudson's Bay Company asserted claim, but which other fur traders or companies would not recognize. Upon the retirement of the old French company, the fur trade continued to be prosecuted by

individuals, many of whom were prominent merchants of Montreal. These enterprises proved powerless against the competition of the Hudson's Bay Company. The North West Company of Montreal assimilated those individuals into a joint-stock association. Its theory of trade was the reverse of the stationary policy of the Hudson's Bay Company. From the center of operations, from established posts, the company dispatched at all seasons of the year parties in all directions to scour the whole country, to the villages and resorts of the natives. At the homes of the hunters, furs and peltries were bought. Trading-points or places of rendezvous among the various tribes were established, which were visited at regular intervals by traders, to which the natives brought their furs for barter. Combined with this was the regular trade at permanent forts. At each of these forts a winter-partner superintended the trade of a district, of which the post was the center. The Hudson's Bay Company required but few employés compared with the North West Company, which in its best days employed several thousands. The clerks or traders of the North West Company served as apprentices for a term of seven years, for a small salary and clothing. That term completed successfully, the salary was doubled; meritorious service entitled the trader to be eligible for partner. This incentive was productive of the best results. Preferment was open to the shrewd and thrifty trader. He was stimulated to effort; successful trading found its sure reward.

In the Hudson's Bay Company, the compensation of every grade was fixed. Promotion was slow, passing through these several grades by length of service. No stimulus was offered to invoke extraordinary diligence. Faithful service was exacted, but nothing more than in the routine of allotted duty.

The Hudson's Bay Company had been granted vast regions north of the Canadas, called Prince Rupert's Land, or the Hudson's Bay Territory, so vaguely described that the boundary continued an interminable dispute,—first between the French and the English, afterwards between the company itself and other fur traders. Beyond the Hudson's Bay basin, the North West traders considered the interior of the country an open field. Beyond the conceded jurisdiction, or those districts in which the Hudson's Bay Company had established trading-posts, the North Westers penetrated the remote northwest, established their posts, and prosecuted the fur trade. The Hudson's Bay Company claimed all territory westward from Hudson's Bay, southward to the old line of New France,—all of British North America except the Canadas. Adverse claims to trading fields necessarily engendered constant strife between the rival fur traders. The bitterest competition had arisen in what was known as the North West Country, the territory lying west and north of Lake Superior.

In 1811, Lord Selkirk, a wealthy Scotch nobleman, joined the Hudson's Bay Company and acquired a majority of its stock. On the 12th of June of that year, he secured from that company a grant of the territory upon the Red river of the North, for the purpose of establishing agricultural colonies from Scotland. His grant extended from fifty-two degrees, thirty-one minutes north latitude to the high land dividing the waters of the Red river from those flowing into the Missouri and Mississippi, and including a large part of the present State of Minnesota. It embraced not only a vast area of the Hudson's Bay Territory, but also a large portion of United States territory. The Selkirk grant was drained by the Red river and its tributaries on the western side, while the basin of the Winnipeg, from its extreme source, constituted the eastern portion. The area of those two basins, with the intermediate country, was over one hundred thousand square miles.

The project of establishing agricultural colonies in the Red river country provoked

bitter hostilities of the North West Company. The introduction of civilization would prove the precursor of the destruction of the fur trade. But this scheme occasioned greater opposition because it was an attempt to obstruct the channels of the North West Company's trade.

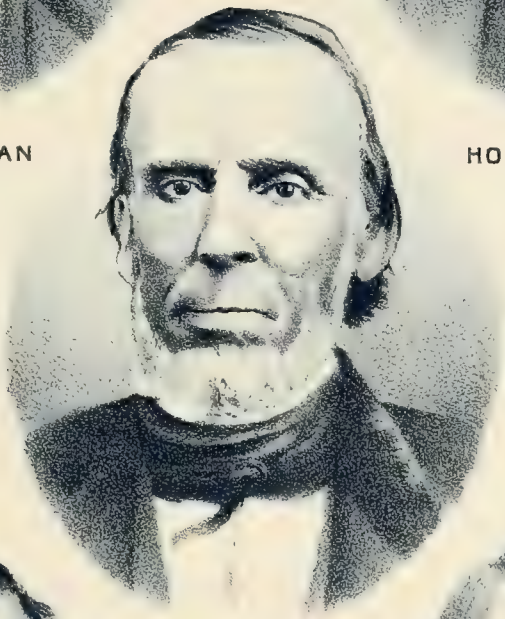
The Selkirk country laid directly across the path between Montreal and the interior,—between Fort William and the northern and northwestern posts. Its occupancy was a blockade,—an obstruction of the North Western routes to and from Fort William to their trading-posts. The intended effect was to cut their communication, interposing a hostile territory between their posts and the center of operations. From these very plains the North West Company had drawn their supplies of pemmican and provisions for voyages from Fort William to the north. Colonization was inimical to the presence of fur-producing animals,—was destructive of the business in which they were engaged. The North West Company resolved to defeat Lord Selkirk's scheme. They protested to the government against the validity of the grant to Selkirk, alleging that it had been corruptly secured, and that he received it as a free grant. They denounced the grant of territory as an usurpation by the Hudson's Bay Company, who had no territorial rights that could be conveyed, claiming that such grant could only emanate from the Crown. They denied that said grant was within the Hudson's Bay Territory, and urged that suit be instituted to test the validity of the Selkirk deed. But the British government declined to interfere; it favored the Selkirk project. In 1812 and 1813, considerable numbers of Highlanders arrived in the Red river country, forming a colony called Assiniboia. The Governor (Colonel Miles McDonell) warned off parties of the North West Company, and prohibited the killing of any animals within the territory. To these proclamations the North Westers paid no respect. Difficulties between the settlers and the employés of the company became of constant occurrence. Many settlers abandoned the colony; some were taken back to Canada. In 1814, Governor McDonell issued a proclamation in which he set forth the boundaries of Assiniboia. He prohibited all other persons under penalty of seizure and prosecution from carrying out of the defined limits during that year "any provisions, either of flesh, dried meat, grain or vegetables." This proclamation, aimed to prevent the North West Company from purchasing supplies, was successfully ignored by the North West Company employés. The settlers generally disregarded it. A number of farmers abandoned the settlement; it became a dead letter. In 1815, the colony was reinforced from Scotland by Lord Selkirk. Open hostilities followed; posts and forts were taken and destroyed. On the 19th of June, 1816, a decisive battle was fought in which the forces of the North West Company routed the colonists, twenty-two of whom were killed, among whom was Mr. Semple, the Governor of Assiniboia. This terminated the Red river colonization scheme of Thomas, Earl of Selkirk. As a civil magistrate, Lord Selkirk seized Mr. McGillivray, the principal partner of the North West Company, in charge at Fort William, and all the property. Numerous arrests were made of the North Westers who participated in the battle. They were tried in Canada and acquitted. The British Cabinet ordered the Governor-General of Canada "to require the restitution of all captured posts, buildings and trading stations, with the property they contained, to the proper owners, and the removal of any blockade or any interruption to the free passage of all traders and British subjects, with their merchandise, furs, provisions and effects throughout the lakes, rivers, roads and every route of communication used for the purpose of the fur trade in the interior of North America, and the full and free permission for all persons to pursue their usual and accustomed trade without hindrance or molestation."



JOSEPH HOLMAN
SALEM, OR.



HON. J. H. MOORES,
SALEM, OR.



J. Q. THORNTON,
SALEM, OR.



R. B. WILSON, M. D.
PORTLAND, OR.



GEO. K. GAY.

The competition between the two fur companies continued. The Governor-General of Canada appointed a commissioner to make investigation, who recommended, as the only means of restoring peace, the union of the two companies in the prosecution of the fur trade. Nothing resulted from that investigation; the competition was more embittered and ruinous than ever. Both companies were reduced to the verge of insolvency. At this juncture, in the winter of 1819–20, Lord Bathurst, British Secretary of State for the colonies, interposed to promote a union of the two companies. His mediation was finally successful. On the 20th of March, 1821, an agreement was entered into by which both companies were to carry on the fur trade under the charter of the Hudson's Bay Company. The leading features of that settlement were that both companies should share equally the profits of the trade for the term of twenty-one years, commencing with the outfit of 1821. Each company was to furnish an equal amount of the capital. The expenses were to be paid by and out of the trade. No expense relating to colonization, nor to any business separate from the fur trade, could be a charge upon the partnership. Profits were divided into one hundred shares, forty of which were divided among the chief factors and chief traders. If a loss occurred one year on the forty shares allotted to the factors and traders, it was to be made up by the profits of the next year. An inventory and general account were to be made out annually on the 1st of June; and, if profits were not paid to the shareholders in fourteen days, an interest of five per cent was allowed.

The governor and company were to appoint governors to preside at councils of chief factors, who carried into effect all acts authorized by the charter. In the absence of chief factors, senior chief traders were called upon to fill the council. Two-thirds constituted a majority for decision. It was necessary to have three chief factors, besides the president, to form a council.

The forty shares to be divided among the chief factors and chief traders were subdivided into eighty-five shares. To each chief factor was allotted two of these subdivided shares; to each chief trader, one; the remaining seven were reserved for seven years to be divided among old servants in certain proportions.

Auxiliary to and as a guarantee of the accomplishment of the arrangement, a bill was introduced into the British Parliament entitled, "An act for regulating the fur trade and establishing a criminal and civil jurisdiction in certain parts of North America." This act passed July 2d, and enabled the Crown to issue a license of exclusive trade to this partnership, "as well over the country to the east as beyond the Rocky Mountains, and extending to the Pacific Ocean, saving the rights of the Hudson's Bay Company over this territory." That is to say, in the territory granted to the Hudson's Bay Company by their charter, this license did not operate. The company in the Hudson's Bay Territory already enjoyed exclusive privileges; and this license recognized that territory as a province, excepting it as a British province from the operation of this license.

On the 5th of December, the British government, by virtue of the provisions of the Statute of July 2d, granted to the Hudson's Bay Company and to William McGillivray, Simon McGillivray and Edward Ellice, representing the shareholders of the North West Company, a license of exclusive trade for twenty-one years, as against all other British subjects, "in all such parts of North America to the northward and westward of the lands and territories belonging to the United States or to any European government, state or power, reserving no rent." The grantees executed a penal bond in the sum of £5,000, conditioned to duly execute civil process in suits where the matter in controversy exceeded in value £200, all criminal process, and to deliver for trial in Canada all persons charged

with the commission of crime. In brief, the law required, and they covenanted, that British law and judicature should be enforced in the countries they occupied. By this operation, criminal jurisdiction, and civil jurisdiction in matters over £200, of the courts of Upper Canada, were extended to the Pacific Ocean, in all places outside of organized British provinces, and not included in "any legally defined civil government of the United States." In civil actions involving less than £200, the matter was cognizable by a Justice of the Peace, appointed by the Crown. Every British subject in the territory west of the Rocky Mountains was guaranteed the protection of British law. There was no exemption for a citizen of the United States from being sent to Upper Canada to be tried for an offense in such unorganized American territory as this company might enter and conduct its trade. Despite the obligations of the treaty of 1818, which had expressly provided that neither nation would assert rights of sovereignty against the other, but that all subjects and citizens of both nations should be permitted to occupy, yet, in 1811, the Oregon territory was, by an act of the British Parliament and a license issued under it, declared to be west and north of the United States, and as such was conferred upon this partnership of the two great British fur companies. They were granted the exclusive trade upon the consideration that they would convert the territory into a British governed province. This fur-trading partnership was assigned a political mission,—to occupy the "territory westward of the Stony Mountains," and therein enforce British law.

In 1824, the Hudson's Bay company acquired to themselves all the rights and interests of the shareholders of the late North West Company, and became the sole grantees under the license of exclusive trade of December 5, 1821. The North West Company had been absorbed by its rival and enemy. It did not long survive the treacherous demoralization and supplanting of the Pacific Fur Company. The northwest coast of America, between California and the Russian settlements, had become to be known quite generally as Oregon. In 1824, the Hudson's Bay Company, by its license for a term of years, enjoyed exclusively the Indian trade of that region; practically, it was the sole occupant of the territory.

Chapter XIII.

(1824–1846.)

The Hudson's Bay Company the Exclusive Occupants of Oregon — Charter of the Company — License of Trade — Internal Organization — Employees and Their Distribution.

THE Hudson's Bay Company having acquired sole ownership of the license of trade issued December 5, 1821, succeeded to the Indian trade west of the Rocky Mountains. The numerous forts and trading stations scattered throughout the territory enabled the company to exercise absolute dominion. Its power was recognized from forty-two degrees north latitude to the south line of the Russian possessions. This state of affairs continued for almost a quarter of a century, during which Oregon was an Indian trading district of the Hudson's Bay Company,—its history merely a chronicle of the Indian and fur trade.

The Hudson's Bay Company was present in Oregon by virtue of its license for a term of years to prosecute the Indian trade in those parts of North America not included in their chartered territory. Their charter not only conferred corporate existence;—it was an immense grant of territory by the King of Great Britain. But that grant did not extend to territory west of the Rocky Mountains. Under the Joint-Occupancy Treaty of 1818, as British subjects, this corporation extended its operations into Oregon. By the license of trade, all other British subjects had been excluded. In 1824, by operation of the act of Parliament of July 2, 1821, and the assigned exclusive license of trade on December 5, 1821, the Hudson's Bay Company was the only British subject permitted to trade with the Indians west of the Rocky Mountains.

The charter of May 2, 1670, by Charles II., constituted Prince Rupert and his associates and successors a body corporate, under the name of "The Governor and Company of Adventurers of England, trading into Hudson's Bay." In 1690, the charter was ratified by the British Parliament. It granted the sole trade and commerce of all seas, straits, bays, rivers, lakes, creeks and sounds, within the entrance of Hudson's Straits, together with all lands and territories upon its coasts not now actually possessed by any English subject, or by subjects of any Christian prince or state, with the fishing of all sorts of fish, the royalty of the sea, all mines royal; and that the said lands be henceforth known as one of our colonies in America, called "Rupert's Land."

The company was constituted "The true and absolute lords and proprietors of the territories, limits and places, saving always the faith, allegiance and sovereign dominion due to us (the Crown), our heirs and successors, for the same, to hold as tenants in free and common soccage, and not by knight's service, reserving, as a yearly rent, two elks and two black beavers."

All visits by other persons were strictly prohibited under penalty of forfeiture of their goods and merchandise, with the ships in which they were laden, one-half of which forfeiture vested in the Crown, the other half in the company. The offender was also

liable to severe punishment, and compelled to give bonds of one thousand pounds not to trade or again enter into the company's territory. The King covenanted that no grant nor license should ever be issued to any other persons; but the company might grant licenses of trade within their territories to whom and as they deemed proper.

The value of a share of stock was one hundred pounds. For every share at each meeting (which was called a general court), the holder was entitled to one vote. A holder of less than a share could, by adding to other part shares, make up the par value of a share or hundred pounds, and thus the aggregated fractions be entitled to a vote. At such general courts, by-laws, orders and regulations could be enacted.

The executive management was intrusted to a governor, deputy-governor and executive committee of seven, who were elected at the annual meetings. Such officers subscribed an oath and were subject to removal by the general courts for misbehavior or malfeasance. Absolute authority was conferred "over all the lands, territories, islands, plantations, forts, fortifications, factories or colonies where their trade and factories were established, reserving only sovereignty in the Crown. The company had full power to appoint and establish governors and all other necessary officers, who were clothed with jurisdiction to try persons employed in the company's service, according to the laws of Great Britain. If the offense occurred at a post where there was no governor nor council competent to try the accused for the offense charged, it then became the duty of the chief factor to arrest the offender, and send him to an accessible fort where there were a governor and council, or to England for trial.

Power was granted "to send ships of war, men or ammunition to any fort, post or place for the defense thereof; to raise military companies, and appoint their officers; to make war or conclude peace with any prince or people (not Christian), in any of their territories." The company was empowered "to seize the goods, estate or people of those countries for damage to the company's interest, or for the interruption of trade; to erect and build forts, garrisons, towns, villages; to establish colonies, and to supply such establishments by expeditions fitted out in Great Britain; to seize all British subjects not connected with the company, or employed by them, or in such territory by their license, and send them to England."

Over their factors, agents and employés, the power of the company was absolute. "Should one of them contemn or disobey an order, he was liable to be punished by the president or council, who were authorized to prescribe the manner and measure of punishment. The offender had the right to appeal to the company in England, or he might be turned over for trial by the courts. For the better discovery of abuses and injuries by their servants, the governor and company, and their respective president, chief agent or governor in any of the territories, were authorized to examine upon oath all factors, masters, pursers, supercargoes, commanders of castles, forts, fortifications, plantations or colonies, or other persons, touching or concerning any matter or thing sought to be investigated."

As though this charter were not sufficiently liberal and extensive in its almost unlimited powers, it concludes with the royal mandate to all "admirals, vice-admirals, justices, mayors, sheriffs, constables, bailiffs, and all and singular other our officers, ministers, liegemen, subjects whatsoever, to aid, favor, help and assist the said governor and company to enjoy, as well on land as on the seas, all the premises in said charter contained, whensoever required."



THOMAS J. SHADDEN.

Mc MINNVILLE, OR.

It were difficult to conceive or invent a more ample grant of powers than contained in this charter. Endowed with an empire over which the company exercised absolute dominion, subject only to fealty to the Crown, its membership powerful nobles and citizens of wealth residing near and at the court jealously guarding its every interest, and securing for it a representation in the government itself, is it to be wondered that this "*imperium in imperio*" triumphantly asserted and firmly established British supremacy in every region in which it operated?

On the 6th of June, 1834, the company executed a Deed Poll, "for the purpose of ascertaining the rights and prescribing the duties of the chief factors and chief traders, and for conducting the trade." Its varied purposes rendered necessary a large number of employés. These were classified as chief factors, chief traders, clerks and servants.

The chief factors superintended the affairs of the company at the trading-posts. The chief traders, under the directions of the chief factors, managed the trade with the natives. The clerks served under both. Extra allowances of necessaries, free of charge, were made to chief factors wintering at inland posts. Personal and private trade with the Indians for individual benefit was not tolerated. The failure to annually make strict account was severely punished by the council, who possessed the power to reprimand, impose penalties or suspend a servant.

Three chief factors and two chief traders were annually allowed to leave the country for one year. Wintering three years in the country entitled a factor or trader to retire with full share of profits for one year, and half profits for four years. Wintering five years entitled the retiring factor or trader to half-pay for six years. Three chief factors, or two chief factors and two chief traders, were permitted annually to retire according to rotation. The legal representatives of a deceased chief factor, who had wintered in the country, were entitled to all the benefits deceased would have received had he lived. A proportionate allowance was made for a shorter duration of service. After the payment of all expenses, sixty per cent of all the profits went to the proprietors or shareholders, and forty per cent to the chief factors and chief traders in lieu of salaries. The next grade below traders were clerks, whose salaries varied from £20 to £100 per annum.

The perfect absolutism of the company's system is found in the enlistment of the servants. The pay was £17 per annum, out of which the servant clothed himself. The terms of service, or more properly to speak, enlistment, was (1) five years from the date of embarkation. He bound himself by indentures to devote the whole of his labors and time to the sole benefit of the company; to obey all orders of the officers and agents; to defend the company's property; not to absent himself from service; not to engage nor be concerned in any trade or employment, except for the company's benefit, and under their orders. He was faithfully to obey all laws, orders and regulations and at all times to maintain and defend the officers and agents to the utmost of his power. He further engaged, if required, to enroll as a soldier in offensive or defensive service; to attend drills and military exercises. In consideration of his wife and children being furnished by the company with provisions, he obligated that they should render such services as hay-making, sheep-shearing, weeding or other light work upon the company's farms. If a servant desired to return to Europe at the end of his enlistment, he gave a year's notice of his intention before expiration, and entered into obligation to work a year longer, or until the next ship should leave for England. If called upon to enroll as

(1) There was also a class of servants articled in Canada or the Hudson's Bay Territory for the term of three years. They entered service at the time of leaving the Hudson's Bay Territory, and were employed as packers, etc., *en route* to their respective station west of the Rocky Mountains. They were entitled to be returned to the place of enlistment, and made the return trip in similar capacity within the term of enlistment. From such, the company at their Oregon posts secured about two and one-half years of service.

a soldier, he was entitled to be furnished by the company with a uniform suit every two years, and be supplied, free of cost, with arms and ammunition. Should he desire to remain in the country after the expiration of his term, as a settler, he was allowed fifty acres of land, for which he rendered annually, for seven years, twenty-eight days' service. The company retained the right to dismiss the servant during his term or at its conclusion; in which event he was carried back in one of their ships free of expense. Desertion or neglect of duty was followed by forfeiture and loss of wages, without redress. With such pittance is it to be wondered that at the end of his term the servant was in debt for advances? As a consequence, he was obliged to continue service to discharge the obligation. Marriage with Indian women was encouraged. Attachments were formed; and, at the end of the enlistment, the servant, surrounded by a family to whom he owed support, could not abandon them. Thus precluded from gratifying the desire of returning to his native land, he was left the election between re-enlistment or acceptance of the grant of land, continuing dependent upon the company for the necessaries of life.

The ingenuity and ability with which every interest of and advantage to the company were guarded command admiration. In times of peace, laborers and operatives were ever on hand at mere nominal wages; in times of outbreak, they were at once transformed into soldiers, amenable to military usage and discipline. The feudal law did not more absolutely bind the vassal to his baron. In a new country, where labor was impossible to be secured or necessarily high, the company had the benefit of servants upon terms and wages which successfully defeated competition. Should a servant leave its service and settle upon company lands, for years afterwards the company continued its control. His payment was made in goods which he must accept at the company's tariff of rates. Thus this self-supporting and self-sustaining institution retained its vast numbers of employés, receiving back for the necessaries of life all the earnings. None did nor could contribute to the country, or its advancement. Social progress does not advance from such agency. The success of such an institution must of necessity impoverish the region, and retard and demoralize the community within its influence.

Discouraging to industrial advancement by its cheap labor; its inordinate profits realized from the muscles and sinews of men; embarrassing the early American settlers in their trading pursuits; the company so managing its business, that no benefit whatever could accrue to the *bona-fide* settlement of Oregon by the presence of its numerous employés (for their earnings in the country were at once returned to the coffers of the foreign company, to be sent out of the country for distribution among non-resident shareholders); crushing out every trade or merchant who attempted to establish business; and to all these the encouragement of marriages with Indian women, to alienate the attachment of their employés for native land and early kindred, and fasten them in the country. Such were the consequences of the presence of such an influence. By those marriages the employés had no choice but to remain in the country and continue subject to the disposition of the company. Social ties with which an employé was content during a stay in a wild, unoccupied region could not be sundered without a breach of honor and of duty;—attachments which carried with them the loss of self-respect, often so strong as to reconcile the party to perpetual exile from native country and kindred.

Every agency which contributed to render a servant dependent on the company, which fastened him to the service, was fostered and approved. In its every detail, nothing was lost sight of which would promote the company's success, perpetuate its control, subordinate its employés to its domination.

Chapter XIV.

The Hudson's Bay Company Secures a New License of Trade, May 31, 1838 — Its System of Trade.

ON THE 31st of May, 1838, the Hudson's Bay Company surrendered the license of trade of 1821, and received a renewed license for twenty-one years. The renewed license granted "the exclusive privilege of trading with the Indians in all such parts of North America, to the northward and westward of the islands and territories belonging to the United States of America, as shall not form part of any of our (British) provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power. Without rent for the first four years, and afterwards the yearly rent of five shillings, payable on the first of June." The company were to keep an accurate register of their employés, a duplicate of which was to be filed in the office of the Secretary of State. Bond was to be given in the sum of £5,000, for insuring, "by their authority over the servants and persons in their employ, the due execution of all civil and criminal process by the officers and persons legally empowered to execute such process within all territories included in the grant, and for the producing or delivering into custody, for the purpose of trial, all persons in their employ or acting under their authority within the said territories, who shall be charged with any criminal offences." Regulations for carrying on the fur trade with the Indians, and the conduct of employés, were to be submitted to the government for approval, by which was to be secured "the diminishing and preventing the sale or distribution of spirituous liquors to the Indians, and the promotion of their moral and religious improvement."

The license strictly prohibited the company "from claiming or exercising any trade with the Indians on the northwest coast of America westward of the Rocky Mountains to the prejudice or exclusion of any of the subjects of any foreign state, who, under or by force of any convention for the time being between Great Britain and such foreign states, may be entitled to and shall be engaged in such trade."

Under this license, which extends over the whole territory west of the Rocky Mountains, between forty-two degrees north latitude and the Russian line, the trade required the employment of a thousand men. The company possessed twenty-two permanent establishments, twelve of which were south of the forty-ninth parallel. It annually dispatched and maintained two trapping and trading expeditions, employed a steamer (1) (the *Beaver*) and five sailing vessels, from one hundred to three hundred tons register, all well armed and equipped, devoted to coasting and trade upon the Pacific. A large ship heavily laden with goods annually arrived to supply the posts. Fort Vancouver, the depot of the company, was the destination of those annual voyages.

(1) The steamer *Beaver* arrived at Fort Vancouver from Blackwall, England, in the spring of 1838. She was the pioneer vessel propelled by steam upon the Pacific Ocean. She was a side-wheel steamer of 120 tons' register, substantially built of oak at Blackwall. Strength, durability and hard service were attained rather than beauty or speed. Her engines were low pressure, built by Bolton and Watts, her paddle wheels small and set far forward. She carried a crew of thirty men, an armament of four six-pounders, and was extensively supplied with small arms. The decks were protected by border netting, to prevent access by the natives other than by the gangways. More than thirty Indians were never allowed on deck at one time unless they were accompanied by their wives and children. After departing from Fort Vancouver that fall, she never again entered the Columbia river, but coasted in northern seas, to collect furs, and to supply the northern posts.

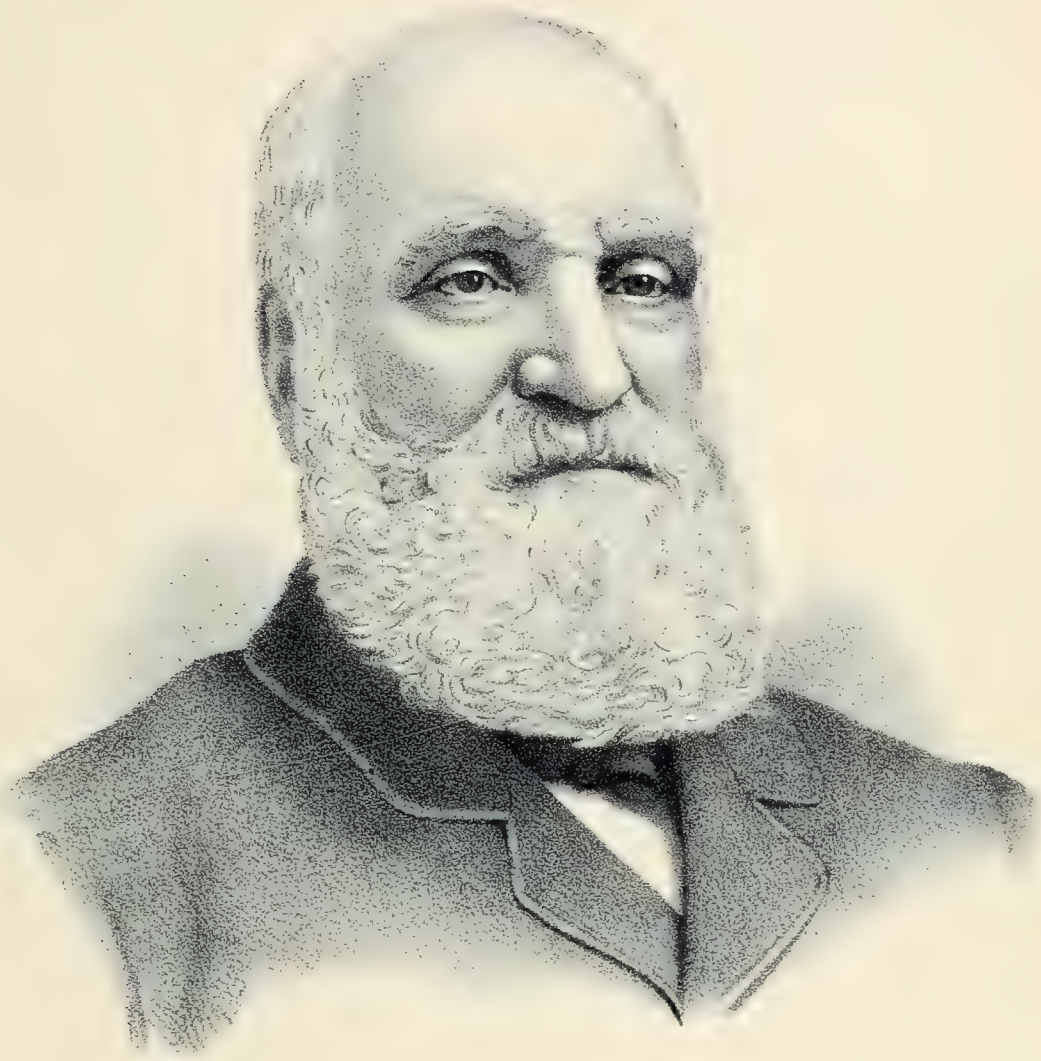
The goods were divided into three classes, and a tariff of rates established. The first class, consisting of knives and tobacco, were for presents and gratuities to the Indians. The second class, or trading goods, included blankets, guns, cloth, powder and ball, etc., etc. The third class, termed Indian goods, consisted of shirts, handkerchiefs, paints, beads and small articles, with which debts for insignificant services and Indian labor were compensated, and for game, fish and berries purchased of Indians.

The company made advances to the trappers employed. To insure their return, parties of twenty or thirty were formed, and their families were allowed to accompany. These parties were placed in charge of an officer of the company. The trapping parties left for Vancouver in the fall and returned in the following June.

The inland posts were annually supplied from Fort Vancouver. In the month of June, the brigade, as it was termed, left Fort Vancouver by way of Fort Okanagon, Colvile and Thompson's river for Fort James, on the south end of Stuart's Lake in latitude fifty-four degrees north. After the summer trappers had been fitted out, the brigades left Fort James in the spring months, with the year's collection of furs, on its return to Fort Vancouver. The route of the brigade was up the Columbia river in boats to Okanagon. These boats were especially made for and adapted to the service. They were clinker-built, sharp at both ends, about thirty feet long and five and a half feet beam, made so light that the crews could carry them over the portages. Each boat was capable of carrying three tons. Sixty packages of ninety pounds each, besides the crew, constituted the customary load.

Goods for the interior, regardless of bulk, were put up in ninety-pound packs. Ease of trans-shipment across the portages, and convenience of packing on horses from Okanagon to Thompson's river, were thus afforded. The overland route between the two latter posts occupied about twenty days. The crew of each boat consisted of eight oarsmen or voyageurs, and one helmsman. The chief the party, generally a chief factor or chief trader, allowed but forty packs in his boat.

The method of accounts was extremely simple. Fort Vancouver was called the depot. Each year's supply of goods for trading purposes was called the outfit. The outfit year began June 1st, and ended on the 31st of May. At the beginning of each outfit year, each post or district was charged as follows: 1st. With goods remaining on hand on the 31st of May; 2d. With additional goods forwarded for the trade of the year; 3d. With an uniform addition of thirty-three and a third per cent over the prime cost in London; 4th. With the amount of wages of servants and clerks employed at such post during the year. At the close of each outfit year, each post or district was credited as follows: 1st. With the goods remaining on hand; 2d. With the value of furs and peltries traded during the year, which are called returns, and which were each year estimated enough below selling prices in London to pay for their shipment thither. Each post, at the close of the outfit year, was also credited with goods furnished to any other post, or charged with those received. These statements compared would show the profit or loss for the year. The details of goods issued from the depot were kept in transfer books "A;" and the details of goods transmitted from post to post were kept in transfer books "B." No account of expenses of erecting or repairing forts or buildings was kept, as the labor was performed by the company's regular enlisted servants, or by Indians who were hired at cheap rates for goods or trinkets. The erection of posts was considered as an incident in the purchase of furs.



DAVID J. SCHNEBLY, ESQ.,

ELLENSBURGH, W. T.

At the depot, an account headed "General Charges" exhibited a detail of all presents and donations, the value of articles and provisions supplied to or consumed by visitors, and all expenses which could not be charged in any particular post or district. The sum of those items was annually carried to profit and loss.

Accuracy and method are apparent everywhere in the system of operations. The code of rules embraced the highest authority, as well as the humblest employé. All were amenable, and every one was bound to obey the most minute details, and subject to the strictest accountability. Each man had his duty defined, and was liable to the most rigid scrutiny. A fixed price was established upon every article of purchase and sale, and to it all must and did adhere.

The company's Indian policy alike commands favorable consideration. How profitable the lesson, how worthy of adoption, that system upon which was predicated the successful career of the company, in acquiring absolute control and unbounded influence over the aborigines of the territories in which it operated. This policy had a two-fold object: first, to hold in moral subjection the native tribes, as a matter of self-defense and economical management; and, second, to convert them into dependents and allies. Thus did the company draw to itself and retain all the Indian trade, as a matter of preference. At the same time it converted the native tribes into auxiliaries, ready to serve the company should such service be required.

The sale or gift of ardent spirits to the Indians was positively prohibited. Their successful maintenance of this policy cannot be too highly approved. It would be useless to dwell on the bad effects of such traffic with the Indians;—how much difficulty has resulted from its introduction into Indian territory. The company did not permit such trade; their successful control of the native population for so long a period affords the best evidence of the wisdom of such policy. With comparatively few to defend their posts, oftentimes established in the midst of large bands of Indians, completely isolated and unprotected, yet those posts and the employés continued safe. Under Hudson's Bay rule there were no Indian outbreaks nor wars, and but little bloodshed. The establishment of schools, the effort to educate Indian children, the employment of Indians, the treatment of half-breeds, all embraced within their Indian policy, contributed to assure the confidence and gain the friendship of the native population.

Their purposes did not require the banishment or seclusion of the Indian. It was policy to use and employ him; to incite his zeal to bring to their posts furs, fish and game. The company required little or no land for settlement; and as a consequence the Indian had no occasion to fear that he should be expelled from his hunting or fishing grounds, or that the graveyards of his people would be appropriated. By conciliating the Indian, the company promoted success in its pursuit of trade, secured peaceable passage through the country for their parties, and stimulated the procurement by natives of furs and peltries.

They located their posts among the tribes, employed Indians at such posts, and sent others on necessary expeditions. Thus they scattered the native population, and prevented the combination of tribes without such motive appearing. This system defeated concentration of numbers, and rendered impossible concerted movements by Indians, without the company's officers being at once apprised. The Indians had early abandoned their weapons after the advent of the traders. They had become dependent upon the posts for arms and ammunition. Having learned the comfort of blankets, their use became indispensable. Other articles introduced by the Whites had become quite as

essential, such as fishing hooks, wearing apparel and cooking utensils. On the posts the Indians placed their entire reliance for those articles and supplies, the substitution of which for their primitive mode of livelihood had become a necessity of Indian life. In fact, the trading goods of the company had absolutely become their sole dependence.

If an Indian displayed violent or threatening conduct, he was promptly and severely punished. If any depredation was committed, the tribe or party were instantly pursued by an armed force, and the wrong-doers demanded. No half-way measures were used. Uniformly kind and conciliatory to the well-disposed, punishing with promptness and firmness the wrong-doer, the natives were taught that it was their true interest to live on terms of friendship with the company. The influence which the company acquired over the Indian population was eradicated with difficulty. Indian suspicion of Americans resulted from their educated friendship to the Hudson's Bay Company, continuing for many years after the actual withdrawal of the company from the territory.

Missionaries, United States officials in the military, naval or civil service, persons of influence and wealth, were treated with marked kindness and courtesy. The hospitality of the officers in charge of their posts to the early American immigrants entitle the company to the lasting gratitude of the early settlers.

But the American who made an effort to trade with the Indians, to trap, hunt, or do anything in which the company engaged, found in the company a rival and competitor. In such opposition, the result was generally that the American trader was compelled to retire from the field. Whenever an American established a trading-house, post or kindred enterprise, immediately the company formed a counter-establishment in the vicinity. American vessels were obstructed, nay, defeated, in obtaining cargoes upon the coast. Hudson's Bay Company vessels were not allowed to import, from the Sandwich Islands, goods and supplies ordered or purchased by American merchants. Without mercy for a rival trader, yet the unfortunate who suffered by land or sea was freely offered shelter and food in the various establishments of the company.

Chapter XV.

(1838–1846.)

Political Mission of Hudson's Bay Company in Oregon, to Strengthen British Claim — Their Establishments — Gradual Abandonment of Posts, and Contraction of Operations — The Puget Sound Agricultural Company — Its Objects and Plan of Operations.

BY ITS admirable system of trade and Indian policy, the Hudson's Bay Company absorbed the wealth of the region, and acquired dominion over the country and its population. It constituted the great agency whereby Great Britain aimed to perpetuate its power in Northwest America, and to obtain supremacy in Pacific commerce. One of the conditions upon which the license of trade had been granted was that English laws, and the jurisdiction of the English courts, should be extended over all parts of North America not yet organized into civil or provincial governments. By the treaty of 1818, between the United States and Great Britain, it had been provided that neither government would do any act to acquire or mature claim, or that any act by either, or the citizens or subjects of either, could prejudice the claim of the other; but that the citizens of both nations should, for the term of ten years, freely enter and trade in the territory without molestation. The presence of the company with such a duty imposed by the British government to extend fourteen years beyond the time when such Joint-Occupancy Treaty should expire by its express terms, exhibits too palpably the *animus* of the British government to acquire Oregon; and that Great Britain relied upon her grantees to contribute to the defeat of the claim of the United States; to exalt and perfect British right to the territory, by acts of occupancy and settlement.

In 1837, as the time of expiration of the license was approaching, the Hudson's Bay Company petitioned for its renewal, with increased privileges. The first license had merely conferred the right of exclusive trade. The company now asked for a grant of the land for settlement. It was urged that the efficient services of the company in excluding American traders from the territory entitled them to favorable consideration. The violation of the spirit as well as the letter of the Joint-Occupancy conventions of 1818 and 1827 was boastfully cited as worthy of reward. Sir J. H. Pelly, chief officer of the company's affairs in England, thus presents the petition:

"When your lordships come to consider the very hazardous nature of the trade, requiring a degree of enterprise almost unknown to any other business, together with the heavy losses to which the parties interested therein were subjected for a long series of years, from the want of protection and support which they had a right to expect from her Majesty's government, I feel sure that your lordships will join me in opinion that the profits now arising from the business are no more than a fair return for the capital employed, and the services of the Hudson's Bay Company rendered the mother country in securing to it a branch of commerce which they are at present wresting out of the

hands of the foreigners, subjects of Russia and of the United States of America, but which the company would have been unable to prosecute had they not been protected by the license of exclusive trade they now hold.

"The company now occupy the country between the Rocky Mountains and the Pacific, by six permanent establishments on the coast, sixteen in the interior country, besides several migratory and hunting parties; and they on the coast maintain a marine of six armed vessels, one of them a steam vessel. Their principal establishment and depot for the trade of the coast and interior is situated ninety miles from the Pacific on the northern banks of the Columbia river, and called Vancouver, in honor of that celebrated navigator. In the neighborhood they have large pasture and grain farms, affording most abundantly every species of agricultural produce, and maintaining large herds of stock of every description; these have been gradually established; and it is the intention of the company still further, not only to augment and increase them, to establish an export trade in wool, tallow, hides and other agricultural produce, but to encourage the settlement of their retired servants and other emigrants under their protection. The soil, climate and other circumstances of the country are as much adapted to agricultural pursuits as any other spot in America; and with care and protection the British dominion may not only be preserved in this country, which it has been so much the wish of Russia and America to occupy to the exclusion of British subjects, but British interest and British influence may be maintained as paramount in this interesting part of the coast of the Pacific."

* * * * * * *

"Your lordships will perceive that much has already been done by the Hudson's Bay Company, resulting from the privileges they enjoy; but that much more, involving great outlay of money and heavy responsibility, will soon be required to be done, in order to complete the operations they have in hand, and to give effect to the measures they have in contemplation, which may hereafter become important to Great Britain in a national point of view; and that, without the extension of the term of license the company now hold, they could not feel justified, with a due regard to the interests of the numerous parties connected with the business, in following up several of the extensive and expensive arrangements before mentioned, which are now in progress."

Sir George Simpson, governor of the company's affairs in America, adds his testimony:

"Previous to 1821, the business of the Columbia department was very limited; but it has since been greatly extended at much expense, and, I am sorry to state, at a considerable sacrifice of life among the company's officers and servants, owing to the fierce, treacherous and blood-thirsty character of the population and the dangers of the navigation. It now comprehends twenty-two trading establishments, besides several migratory, hunting and trading expeditions, and six armed vessels on the northwest coast. The fur trade is the principal branch of business at present in the country situated between the Rocky Mountains and the Pacific Ocean.

"On the banks of the Columbia river, however, where the soil and climate are favorable to cultivation, we are directing our attention to agriculture on a large scale; and there is every prospect that we shall soon be able to establish important branches of export trade from thence in the articles of wool; tallow, hides, tobacco, and grain of various kinds.

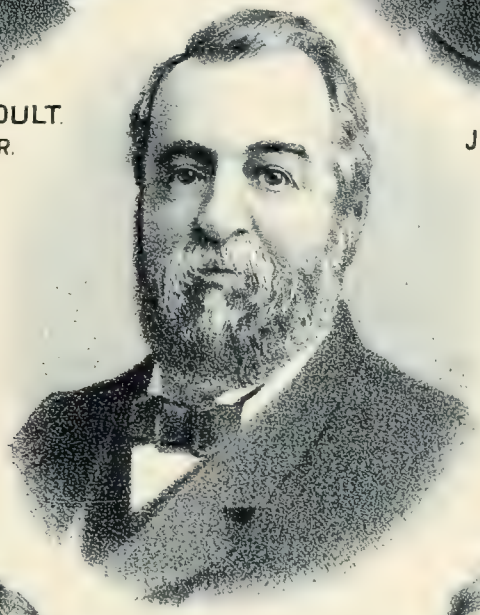
"The country situated between the northern bank of the Columbia river, which empties into the Pacific, in latitude forty-six degrees, twenty minutes, and the southern bank of Fraser river, which empties itself into the Gulf of Georgia, in latitude forty-nine degrees, is remarkable for the salubrity of its climate and excellence of its soil, and



HON. ENOCH HOULT.
HARRISBURGH, OR.



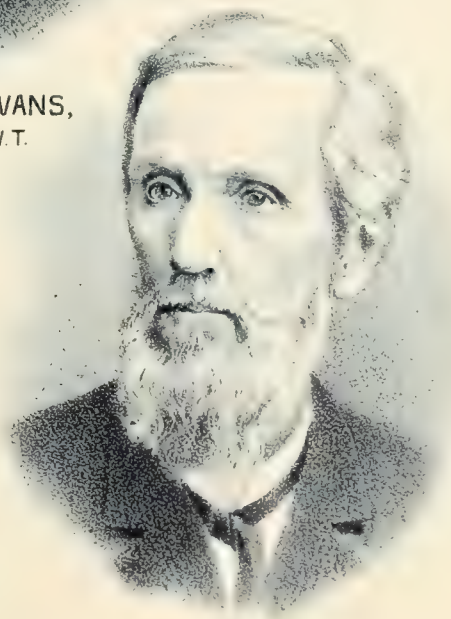
J. H. SETTLEMIER,
WOODBURN, OR.



COL. ELWOOD EVANS,
TACOMA, W.T.



HON. S. ELLSWORTH,
LA GRANDE, OR.



A. W. PATTERSON,
EUGENE, OR.

possesses, within the Strait of Juan de Fuca, some of the finest harbors in the world, being protected from the weight of the Pacific by Vancouver's and other islands. To the southward of the Strait of Juan de Fuca, situated in latitude forty-eight degrees, thirty-seven seconds, there is no good harbor nearer than the Bay of San Francisco, in latitude thirty-seven degrees, forty-eight seconds, as the broad, shifting bar off the mouth of the Columbia, and the tortuous channel through it, renders the entrance of the river very dangerous to navigation even to vessels of very small draught of water.

"The possession of that country to Great Britain may become an object of very great importance; and we are strengthening that claim to it (independent of the claims of prior discovery and occupation for the purpose of Indian trade) by forming the nucleus of a colony through the establishment of farms, and the settlement of some of our retired officers and servants as agriculturists."

In the protracted controversy between the United States and Great Britain, the vast importance of the company's interests which had grown up in Oregon by their presence for a quarter of a century, fostered and encouraged by the British government, as the element whereby British claim was to be ripened into British title, occasioned the great delay, in fact, was the material cause of difficulty. The British government struggled to secure to the company indemnity from any loss which it would be compelled to sustain by withdrawal from Oregon, and at the same time transfer to the United States the liability to compensate the company for its able services in attempting to defeat the United States' territorial claim to Oregon. The British government's championship of the company's services well-nigh embroiled the two nations in war. For the sake of peace, the United States accepted the terms of the Treaty of Limits of June 15, 1846;—the United States surrendered claim to territory spanned by five degrees and forty minutes of latitude, between the Rocky Mountains and Pacific Ocean; yielded all claim to Vancouver Island; shared with Great Britain the navigation of the Strait of Juan de Fuca; consented to respecting such possessory rights as the Hudson's Bay Company might assert; bound the nation to purchase the farms and lands of the Puget Sound Agricultural Company, or confirm them to that so-called company; and granted to the Hudson's Bay Company the right of free navigation of the Columbia river, from the forty-ninth parallel to the Pacific Ocean. True, the treaty was made to settle differences between two nations; as such it but partially fixed the northern boundary of the United States claim to Oregon. Beyond that it was a mere transfer by the British government to the United States of the duty to protect the interests of the Hudson's Bay and Puget Sound Agricultural Companies in what was left of Oregon, south of the forty-ninth parallel. Justice to the Hudson's Bay Company compels the avowal, that they executed their policy so ably, that the Americanization of Oregon had been rendered almost impracticable, the territorial claim of the United States almost defeated.

The extent of that company's operations, and how far it really absorbed the territory, will be better understood by an exhibit of its establishments. At the date of the treaty (June 15, 1846), there were in Oregon, south of the boundary, nine forts and several establishments for trading and farming. In the location of those forts, the company's officers exhibited great judgment and sagacity. They had seized and occupied all the advantageous positions, embracing within their field of operations almost the entire country, well adapted to hold the native tribes in subjection, to assure facilities for the concentration of trade, and ready access to every portion of the territory.

Fort Vancouver (the site of the present city of Vancouver, and the United States military depot) was established in 1824 by Dr. John McLoughlin, manager of the Hudson's Bay Company trade on the Pacific coast. The post was inclosed in a stockade, two hundred yards by one hundred and seventy-five yards, defended by bastions at the southeast and northwest angles, on which bastions were mounted heavy guns. In the inclosure were the residence of the chief executive officer, two buildings occupied by clerks, a row of buildings for residences of families, five large two-story houses, with a number of offices. The original site stood upon high ground a half a mile back from the river. Outside was a huge warehouse, and a salmon house on the banks of the Columbia river. Near the fort was a village of cabins affording dwellings to numerous Kanakas, Canadians and servants of the company. A grist-mill was erected in 1836, and the company also established a saw-mill, which was prevented from running at high stages of water. Several tracts of land were occupied and cultivated by servants.

Fort Vancouver was the headquarters of the Columbia district, which included all the territory west of the Rocky Mountains. The returns from all the posts in Oregon were made to this point; and from here all accounts were transmitted for settlement. The chief factors were located at this post, and a very large business was transacted.

Fort Colvile, next in importance to Fort Vancouver, located on the east bank of the Columbia river, south of Clark's Fork, latitude forty-eight degrees, thirty-nine minutes north, was established in 1825. The stockade was about seventy yards square, within which were the residence of the chief factor, four storehouses, several small cabins, a cattle yard, hay sheds, a number of huts occupied by servants, and three buildings used for warehouses. There was a cattle coral nine miles distant, on the Schlowskan river, and a grist-mill three miles from the fort, on the same stream. An extensive farm in the vicinity raised a sufficiency of wheat to supply the northern inland posts with flour. At one time a chief factor was assigned to its management. Here were concentrated the furs and peltries previous to transmission to Canada; and from this point the inland northern forts were supplied. Shortly after the treaty, this post ceased to be of importance.

Fort Okanagon was established by Mr. Astor's company in 1811, and passed into the hands of the North West Company in the transfer by the Pacific Fur Company. It came into the possession of the Hudson's Bay Company by assignment of the North West Company. It possessed many advantages of position, and afforded a stopping-place for the annual brigades on their passage to and from Fort Vancouver.

Fort Kootenais, upon McGillivray's river, southeast of Flatbow Lake, was a small post, in charge of a Canadian, who acted as trader, with but two or three men under him. This establishment never was of much importance, except in the scheme of the occupancy of the country. To the southeast was a trading-post among the Flathead Indians, not of sufficient extent or importance to be classed as a fort.

Fort Walla Walla, on the Columbia river, near its junction with the Walla Walla, was originally called Fort Nez Perce. It was established in 1818 by Peter Skeen Ogden, then a North West trader. He was attacked by Indians of the Walla Walla tribe, on the ground where the old fort stands, and obliged to retreat to the island near the fort, where he made a successful defense and completely repulsed the savages. As a trading-post, it was entitled to but little consideration. It was important, however, as a stopping-place for trains, and for keeping the Indians in check. It consisted of an inclosure of pickets some two hundred feet square, with a platform inside, from which the pickets could be overlooked. At the northeast and southwest corners were bastions. The buildings, four

in number, were built of logs and mud, one story high, used as residences of employés. Up the Walla Walla river twenty miles were a farm and dairy, where some twenty acres were cultivated. A dam had been erected, but it had disappeared early after the treaty. The country some little distance back was appropriated for grazing, but immediately adjacent to the fort was a complete desert of drifting sand, on which nothing appeared to vegetate except wild sage.

Fort Hall, established by Captain Nathaniel J. Wyeth of Boston, in 1834 (who was forced to abandon it and sell out to the company), was located at the head of Snake river. It was built of clay, with a large sally-post fronting the Port Neuf, with walls extending towards the banks of Snake river. A block-house is at one of the angles; and the buildings within the inclosure are against the side walls. A main building was occupied by the officers in charge; and several cabins furnished residences for employés. It derived its great importance from being on the great emigrant trail; and, by its proximity to Great Salt Lake, it was rendered valuable as a trading point.

Fort Boise, established by the company to compete with Fort Hall, is located on the east bank of Snake river, near the mouth of the Owyhee. The entrance fronts on Snake river; and block-houses were placed at the corners for purposes of defense. The walls were of clay, as also the one-story buildings used as residences and storerooms within the inclosure. After Wyeth's abandonment of the country, it possessed no importance except as a stopping-place.

Fort Umpqua, on the south bank of the river of that name, was established in 1832 by John McLeod, a chief trader, and Michael de Framboise. It was the principal post south of the Columbia, and was located about forty miles from the Pacific Ocean, three miles below the mouth of Elk river, on a plain comprising upwards of two hundred acres of land, of which forty were under cultivation. Its trade was principally with the coast Indians, in beaver and seal furs. The buildings were log huts, four in number, inclosed within pickets twelve feet high, with bastions at two of the angles. The Indians in the vicinity were very troublesome, and on more than one occasion attacked it. In 1839, this fort was besieged for a number of hours; but, after several Indians had been severely wounded, they retreated. It was in charge of a Frenchman, who, with some friendly Indians, successfully resisted the attack. The post was of little importance, being a mere trading station.

The other possessions of the company, occupied or claimed at the time of the treaty, were a house and granary at Champoeg, on the Willamette river, an acre of ground below the falls of the Willamette, six hundred and forty acres of land on Sauvies Island, with a house, dairy and farm. This was the Wapato Island of Lewis and Clark, and was occupied by Captain Wyeth of Boston, in 1834–5, as a fishing and trading station. He sold to the company, when unable to succeed against their competition. A granary and five acres of land were occupied near the mouth of the Cowlitz river, a tract of land upon Cape Disappointment (1), and a small establishment near Chinook.

Fort Nisqually, the only post in the Puget Sound region, was established in 1833 by Lieutenant Kittson, of the voltigeurs, then acting as a clerk in the company's service. There was a large warehouse on the banks of the Sound, near the mouth of the

(1) Cape Disappointment, at the mouth of the Columbia river, was taken as a claim by an American named Wheeler. Peter S. Ogden, Esq., chief factor of the Hudson's Bay Company, under instructions from England, obtained possession by buying out Wheeler, and himself in February, 1848, entered the claim under the land laws of the Oregon Provisional government. The instructions were issued from England just subsequent to the abrupt termination (August 30, 1845) of negotiations on the Oregon boundary between Sir R. Pakenham and Mr. Buchanan, the United States Secretary of State. The taking of this claim was for no other purpose than military occupancy of the mouth of the Columbia river. It had no value as a trading point. There were but few Indians in its vicinity; and the stations of Fort George (Astoria) and the Chinook were both near at hand. Nor could it ever be claimed, even if the license of trade permitted such charter of establishment, that it had any utility for agricultural purposes. Yet the Hudson's Bay Company, having seized this point for aggressive hostility to the United States, claimed the sum of $14,600, for the occupancy of little over four months, without improvements, except merely enough to indicate possession.

Sisqualichew creek, erected in 1840. The fort stood upon the table land about three-quarters of a mile from the Sound, on the south side of the creek. Outside of the inclosure, the creek is dammed and admirably adapted for the washing of sheep. The post consisted of a number of buildings within a stockade, with bastions at two of its angles. Outbuildings were erected near, a barn, blacksmith shop and cabins, used by the servants for residences.

This post derives its importance from commanding the tracts in the vicinity, which constituted the largest portion of the lands and farms of the Puget Sound Agricultural Company.

Before referring to the establishments in the name of the Puget Sound Agricultural Company, it is proper to notice that company and its formation. A prospectus signed by Wm. F. Tolmie, Forbes Barclay and Geo. B. Roberts exhibits the intention of the proposers, the plan upon which it was to be formed, its objects and purposes. The preamble recites that the soil and climate of the country on the Columbia river, particularly the district situated between the headwaters of the Cowlitz river and Puget Sound, is considered highly favorable for raising flocks and herds, with a view of producing wool, hides and tallow, and the cultivation of agricultural produce. The association was to be under the protection and auspices of the Hudson's Bay Company. Its operations were to be confined to the country west of the Rocky Mountains. The capital stock of the company, £200,000, was divided into 2,000 shares. During the pendency of negotiations as to the title of Oregon, the management of the business was to be conducted solely by agents resident in England; and John Henry Pelly, Andrew Colvile and George Simpson were named. The first general meeting of stockholders was to be held in London, December, 1840, and within said month in every year afterwards on fourteen days' notice, published in two newspapers printed in London or Middlesex county. The Puget Sound Company were to purchase, of the Hudson's Bay Company, their stock of sheep, cattle, horses and implements of husbandry. The three agents in London selected managing agents in the district, and fixed their salaries; but any agent so appointed was placed under the superintendence of the officers of the Hudson's Bay Company managing the fur trade in the district. The London agents were to execute a bond to the Hudson's Bay Company, conditioned that neither the Puget Sound Agricultural Company, nor any person in their employ, nor by them taken into the district, should directly or indirectly trade in furs and peltries while in the employ or under agreement with the Puget Sound Agricultural Company, and in making such agreement with employés, that the employé should observe the above conditions. The agents were to retain authority to dismiss such employé, and remove him out of the district, to the point where his services were engaged; and that all such employés were subject to the conditions, restrictions and regulations of the Hudson's Bay Company.

Whenever the Crown of Great Britain became possessed of the sovereignty of any part of said district, application was then to be made for an act of incorporation. In the meantime, a deed of settlement was to be executed by the London agents, properly defining the duties of officers and agents, and for the successful carrying on of the business of the company.

The Puget Sound Agricultural Company was a mere copartnership on the joint-stock principle, consisting of parties interested in the Hudson's Bay Company. Its purpose was to seize and occupy lands for agricultural purposes, intending to obtain a grant, in the event of Great Britain obtaining sovereignty of the Oregon country. As the Hudson's

Bay Company could not lawfully acquire lands, it was an artifice to evade such disability. Great Britain never did acquire title to the lands recited in the preamble; and the Puget Sound Agricultural Company, as a consequence, failed ever to acquire a legal existence, enabling it to own lands and alienate them. Their title was but a mere occupancy, terminating on the dissolution of the partnership by the withdrawal or death of any of the copartners or shareholders. The treaty, by the language it uses, may recognize title. Surely it never conferred it. But, as the United States has since purchased the claims, further comment is useless.

We pause to consider, nay, to admire, the vast influence which that remarkable organization wielded in international affairs, carrying the two great empires of the world to the verge of war; a war which must have proved destructive to the best interests of civilization and humanity. It had the power to force its recognition as one of the conditions of peace; to exact that "the farms, lands and other property of every description belonging to the Puget Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company. In case, however, the situation of those lands and farms should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or any part thereof, the property so required shall be transferred to the government, at a proper valuation, to be agreed upon between the parties."

The language made use of recognizes the fee to be in the company, subject only to the reserved right by the United States to purchase the land at the price agreed upon between the parties, when such property of the company may be deemed as useful for public and political objects.

Of the two thousand shares, six hundred and forty were never sold; and the holders paid but ten per centum upon the stock. While California was a Mexican province, on consent of the government of Mexico, the company imported five thousand sheep from California, three thousand of which were brought to Oregon overland, and two thousand by sea. The sheep stocked the Nisqually and Cowlitz farms.

Under the treaty of 1846, the Puget Sound Agricultural Company, so called, asserted claim to the following tracts of land:

"First. The tract of land at Nisqually, extending along the shores of Puget Sound from the Nisqually river, on the one side, to the Puyallup on the other, and back to the Cascade Range of mountains, containing not less than two hundred and sixty-one square miles, or one hundred and sixty-seven thousand and forty acres; of which said tract of land a portion is improved and under cultivation for farming and agriculture; and the remaining portion thereof was occupied and used by the company for grazing and pasturage of their cattle, horses and sheep, and for cutting wood and timber thereon, and for other purposes connected with their business; together with Fort Nisqually, bastions, houses, stores, barns, shops and outbuildings, with the fencing and inclosures at the main posts and establishments, and the houses, barns, outbuildings, fencing and inclosures at other points on the said land.

"Secondly. The farm at Cowlitz river known as the Cowlitz, consisting of three thousand five hundred and seventy-two acres, more or less, of which upwards of fifteen hundred acres are improved and under cultivation for farming and agricultural purposes; and the remaining portion is used for cattle and sheep ranges and pasturage, and for other

purposes connected with the business of said company; the establishment and buildings of the Cowlitz farm, consisting of dwelling-houses, saw-mills, stores, granaries, barns, stables, sheds and piggeries, and of a great extent of fencing and inclosures.

"Thirdly. The company also owned and possessed livestock, consisting of three thousand one hundred head of neat cattle, three hundred and fifty horses, and five thousand three hundred sheep, of the value of twenty-five thousand pounds sterling, which were pastured and fed on the said lands before and at the time of the conclusion of the treaty of the 15th of June, 1846."

The above claims are recited in the language of the memorial of the Puget Sound Agricultural Company, to the Joint Commission provided by the Convention between the United States and Great Britain of March 3, 1864, to award compensation for the possessory rights of the Hudson's Bay Company, and the lands, farms and property of the Puget Sound Agricultural Company, under the treaty of June 15, 1846, known as the Treaty of Limits. It fixed a northern boundary of the United States upon the northwest coast. It then incorporated provisions whereby the United States obligated itself to purchase south of the boundary the very territory the treaty had conceded belonged to the United States. No territorial claims were to have been acquired under the Joint-Occupancy Treaties of 1818 and 1827, by virtue of which the Hudson's Bay Company secured a presence in Oregon. And yet five millions of dollars were asked by this company, for occupancy of this territory to the exclusion of citizens of the United States for about a quarter of a century.

Chapter XVI.

(1823–1836.)

American Trading Enterprises in the Territory West of the Rocky Mountains — Expedition of William H. Ashley — Jackson, Sublette and Smith Form the Rocky Mountain Fur Company — American Trading Vessels in the Columbia River — Wagons Brought to the Rocky Mountains — South Pass — Pilcher's Expeditions — First Overland Expedition, Captain Wyeth, to Columbia River — First School West of the Rocky Mountains — Captain Bonneville's Expedition — Captain Wyeth's Second Enterprise — He Establishes Forts Hall and Williams.

THE dissolution of the Pacific Fur Company had been followed, in 1814, by the entire withdrawal of American trading vessels from the northwest coast, and also of American traders, trappers and hunters from the territory west of the Rocky Mountains. The urgent demands of western members secured the passage by Congress in April, 1816, of an act regulating the Indian trade. By its provisions, none but citizens of the United States were permitted to trade in the Indian country. This enactment occasioned the retirement of British traders from the United States territory east of the Rocky Mountains, and secured to the citizens of the United States the exclusive enjoyment of the fur and Indian trade in that immense area drained by the Mississippi and Missouri rivers.

John Jacob Astor had continued at the head of the North American Fur Company, whose main field of operations embraced the regions watered by the Upper Mississippi and Missouri rivers. American traders had ventured into the northern provinces of Mexico, and had established a trade between Santa Fé and St. Louis. In 1822, the Columbia Fur Company was projected by members of the North West Company dissatisfied with the coalition in 1821 of the Hudson's Bay and North West Companies. It was but short-lived, soon merging itself into the North American Fur Company.

William H. Ashley, of St. Louis, who had for many years successfully prosecuted the fur trade in the Upper Missouri country, determined upon establishing trading-posts west of the Rocky Mountains. In the spring of 1823, he left the Missouri frontier with a party of mounted men, a large quantity of trading goods and merchandise transported by pack-animals. He ascended the Platte river to its source, exploring its northern branch, to which he gave the name Sweetwater. He crossed the Rocky Mountains in latitude forty-two degrees, twenty minutes north, and summered upon Green river, a branch of the Colorado of the West. For many years this continued the rendezvous of the American Fur Company. In 1824, he again crossed the Rocky Mountains by the South Pass and journeyed to Great Salt Lake. To a neighboring smaller lake to the southeast, discovered by Ashley, he gave his name. Having built a fort and established a trading-post upon Fort Ashley, he left one hundred men to winter, and returned to St. Louis. Hitherto, Ashley had transported his trading goods by pack-animals. In 1826, he fitted out

another expedition to Fort Ashley, accompanied by a six-pounder drawn by mules. Seven months were occupied in accomplishing the journey and return of the party to St. Louis. The safe transit of the Rocky Mountains with the gun was accepted as the demonstration of a feasible wagon road.

In three years, the collection of furs at Ashley's post realized, at St. Louis, one hundred and eighty thousand dollars. Having amassed a large fortune, Ashley sold out, in 1829, to the Rocky Mountain Fur Company, composed of David Jackson, William Sublette and Jedediah S. Smith. Captain William Sublette was the leading spirit. Each partner had been in charge of annual parties trapping and hunting in, and west of, the Rocky Mountains, returning at the time and to the rendezvous agreed upon before setting out. About the time of Ashley's retirement, independent of individual enterprises, several small fur-trading companies had been formed. The success of Fort Ashley stimulated renewed activity; at least six hundred trappers were employed in the Rocky Mountain trade. To such extent was the spirit of competition carried, that a man attached to one company risked his life if he disposed of furs to a rival trader or company. The free trapper (1) could only deal for the season with the company who had secured his services, and by whom he had been furnished his outfit.

In addition to the Rocky Mountain and North American Fur Companies, there were the St. Louis Company and a number of "lone traders" and "free trappers." Conspicuous among these were Robert Campbell, J. O. Pattie, Major Pilcher, Colonel Charles Bent, William Bent, Captain John Grant, Milton Sublette and others. Expeditions extended into Mexico, Sonora and California, but seldom entered within the recognized fields of the Hudson's Bay Company. St. Louis was the headquarters of the Rocky Mountain trade, except the North American Fur Company, whose headquarters were in New York. The Rocky Mountain Fur Company had existed since the spring of 1824. During that year Smith, with five trappers, had crossed the Rocky Mountains and trapped until fall on the headwaters of Lewis' Fork or Snake river. They met a party of Hudson's Bay Company trappers returning to Flat Head post, whom they accompanied, and with whom they passed the winter, returning to rendezvous in the early spring of 1825. With a party numbering about forty, Smith crossed the Sierra Nevada Mountains and established a camp on the American Fork of the Sacramento river. He distributed small trapping parties on the tributaries of that river, who met with great success. Smith returned with several bales of beaver skins.

The Rocky Mountain Fur Company now resolved to prosecute the trade in the countries bordering on the Pacific. In the Snake river country, the number of men employed had been increased to between five and six hundred. Encouraged by the success of the previous year, Smith, with a larger party, set out for the country west of Great Salt Lake. Having gone too far west to feel sure of a safe return over the great desert with his reduced stock of provisions and exhausted animals, Smith pushed forward to the Pacific. He resolved to go to the Columbia and follow up that river and meet his partners in the Snake river country. To obtain horses and necessary supplies with which to execute his purpose, he went as far south as San Diego, thoroughly exploring the country as he journeyed. The native Californians regarded all strangers with jealousy, but those coming from the United States with especial suspicion. Smith was unable to purchase horses or supplies until he had procured from General Echandia, the military

(1) A free trapper is one not indentured to any company, who hunts upon certain terms of agreement concerning the prices of the furs he secures, and the cost of his outfit.



F. W. PETTYGROVE ESQ.

PORT TOWNSEND, W.T.

commandant of the presidio, a passport allowing him to remain in the country, and to return to his camp. Several American shipmasters, then trading upon the coast of California, certified to his honesty and that his objects were perfectly harmless. That singular document reads:

"We the undersigned, having been requested by Jedediah S. Smith to state our opinion regarding his entering the province of California, do not hesitate to say that we have no doubt but that he was compelled to, for want of provisions and water, having entered far into the beaver country that lies between the latitudes of forty-two degrees and forty-three degrees west; that he found it impossible to return by the route he came, as his horses had most of them perished for want of food and water. He was therefore under the necessity of pushing forward into California, it being the nearest place where he could procure supplies to enable him to return.

"We further state as our opinions that the account given by him is circumstantially correct, and that his sole object was the hunting and trapping of beaver and other furs.

"We also examined the passports produced by him from the superintendent of Indian affairs for the government of the United States of America, and do not hesitate to say that we believe them perfectly correct.

"We also state that, in our opinion, his motives for wishing to pass by a different route to the Columbia river, on his return, is solely because he feels convinced that he and his companions run great risks of perishing if they return by the route they came.

"In testimony whereof, we have hereunto set our hands and seals this 20th day of December, 1826. (Signed) William P. Dana, Captain of schooner *Waverly;* William H. Cunningham, Captain of the ship *Courier;* William Henderson, Captain of the brig *Olive Branch;* James Scott; Thomas Robbins, Mate of the schooner *Waverly;* Thomas Shaw, Supercargo of ship *Courier.*"

Smith made several unsuccessful efforts to proceed to the Columbia river. It was equally impracticable to return eastward through the Sierra Nevada Mountains. He was informed by the Christian Indians from the Mission of San José that Father Duran, in charge, was very desirous of knowing who he was, and the purpose of his party being in the country. Smith thus satisfied the curiosity of the missionary:

"*Reverend Father*: I understand through the medium of one of your Christian Indians, that you are anxious to know who we are, as some of the Indians have been to the mission and informed you that there were certain white people in the country. We are Americans, on our journey to the Columbia river. We were in the mission San Gabriel in January last. I went to San Diego and saw the General, and got a passport from him to pass on from that place. I have made several efforts to pass the mountains, but the snows being so deep I could not succeed in getting over. I returned to this place, it being the only point to kill meat, to wait a few weeks until the snows melt, so that I can go on. The Indians here also being friendly, I consider it the most safe point for me to remain until such time as I can cross the mountains, with my horses, having lost a great many in attempting to cross ten or fifteen days since. I am a long ways from home, and am anxious to get there as soon as the nature of the case will admit. Our situation is quite unpleasant, being destitute of clothing and most of the necessaries of life, wild meat being our principal subsistence. I am, Reverend Father, your strange, but real friend and christian brother.

"May 19, 1827. (Signed) J. S. Smith."

That certificate of Jedediah S. Smith's peaceable intentions towards the province of California, and his letter to Father Duran of San José mission, are preserved in the archives of the State of California as mementoes of the first crossing of the Sierra Nevada Mountains by white men,—of the consummation of the first overland trip from the Atlantic States to the Bay of San Francisco.

Smith and his party reached the coast at the mouth of Rogue river, from whence they followed the beach, reaching the south bank of the Umpqua, where the Indians stole the only axe the party possessed. It was a severe loss, for upon it the party had depended to construct rafts to cross the rivers, and to supply fuel. The chief having been taken prisoner, the axe was returned. Early next morning Smith, accompanied by two white men and an Indian, was ascending the river in a canoe to find a ford to cross the pack animals. Having reached the middle of the stream, still in sight of the camp, the Indian snatched Smith's gun and jumped into the river. Smith seized his companion's gun, shot the Indian dead, and made for the opposite shore. Without provisions, with one gun between them, Smith and his companion fled. Contrary to Smith's orders, a large number of Indians had been allowed to come into camp. At a concerted signal, each man was attacked by five or six savages armed with knives and clubs. Of the nineteen constituting the party, fifteen were killed. Of those remaining in camp, Black alone survived the massacre. Black had just cleaned his rifle, when three Umpquas closed in upon him. He succeeded in freeing himself, fired upon the crowd, and, amid the consternation, effected his escape. Concealed in the woods until the Indians had retired, he then swam the Umpqua river, and followed up the coast, aided by friendly Indians, till he reached Cape Lookout. He then gave himself up to a party of Tillamook Indians, who conveyed him in safety to Fort Vancouver, where he arrived August, 1828. Dr. McLoughlin rewarded the Tillamooks for bringing Black to the fort. On hearing Black's story, Dr. McLoughlin sent Indian runners with presents to the Willamette chiefs, requesting that search be instituted for Smith and his two companions. A liberal reward was offered for their safe return; and the Indians were warned that if these men were harmed severe punishment would follow. A party of forty armed men was immediately equipped, to go to the Umpqua country. Just as the party was embarking, Smith and the two men arrived at Fort Vancouver. The party was then dispatched with sealed instructions to be opened by the officer in charge on arrival at the Umpqua. These instructions were: "The Indians were to be invited to bring their furs to trade, as though nothing had happened. The furs were then to be counted; and, as the American trappers mark all their skins, the stolen skins were to be kept separate, to be returned to Smith. The Indians were not to be paid for those, but were to be told that they got them by murdering Smith's party." The Indians denied the murder, but admitted that they bought the skins from the murderers; they were then told to look to the murderers for payment. The murderers were requested to restore the property received in exchange for the stolen skins. A war followed among the Indians, and the murderers were severely punished by their own people. Property of Smith's to the value of $3,200 was restored to him, without any expense; and himself and the other refugees were treated with the greatest kindness. Sir George Simpson, Governor of the Hudson's Bay Territory, present at Fort Vancouver at the time, offered Smith a free passage to London in the company's next returning vessel. The offer was declined; and Smith sold his furs to Dr. McLoughlin. With the remnant of his party, he set out, in the spring of 1829, for the Rocky Mountains, meeting, at Pierre's Hole, Fitzpatrick, who had been sent in search. The

generous hospitality and liberality of Dr. McLoughlin to Smith and his unfortunate companions dispelled all spirit of competition; and, at Smith's solicitation, the Rocky Mountain Fur Company retired from the hunting and trapping fields of the Hudson's Bay Company.

In 1831, Smith, in charge of a trading expedition *en route* to Santa Fé, was killed on the Cimmarron river in an encounter with Comanche Indians. For several years after Smith's death, the Rocky Mountain Fur Company, its parties led by Bridger, Fitzpatrick and the Sublette brothers, continued the prosecution of the fur trade. Under the auspices of this company, the wagon train reached the eastern base of the Rocky Mountains. In a letter to the Secretary of War, October, 1829, the company reported the successful accomplishment of the undertaking, boldly declaring the entire practicability of a good wagon road across the Rocky Mountains *via* South Pass to the great Falls of the Columbia. This letter, which accompanied the special message of President Jackson to Congress, January 25, 1831, said:

"The 18th of April last (1829), we set out from St. Louis, with eighty-one men mounted on mules, ten wagons, each drawn by five mules, and two dearborns (light carriages or carts), each drawn by one mule. Our route was nearly due west to the western limits of the State of Missouri, and thence along the Santa Fé trail, about forty miles from which the course was some degrees north of west, across the waters of the Kansas, and up the great Platte river to the Rocky Mountains, and to the head of the Wind river, where it issues from the mountains. This took us until July 16th, and was as far as we wished the wagons to go, as the furs to be bought were to be collected at this place, which is, or was this year, the great rendezvous of the persons engaged in that business. Here the wagons could easily have crossed the Rocky Mountains, it being what is called the Southern Pass, had it been desirable for them to do so, which it was not for the reason stated."

The success of the Missouri fur traders soon provoked the competition of the North American Fur Company. The latter dispatched trapping and trading parties west of the Rocky Mountains, but formed no permanent establishments. Private parties also inaugurated individual enterprises without important or permanent results.

In 1827, Mr. Pilcher left Council Bluffs with forty-five men and one hundred horses, crossed the South Pass, and wintered upon Green river. The next spring he proceeded to Snake river and followed the western base of the Rocky Mountains as far north as Flat Head Lake, where he remained during the winter of 1828–9. The next season he descended Clark's Fork of the Columbia to Fort Colvile, and recrossed the Rocky Mountains by the northern Columbia route on the Hudson's Bay Company trail to York Factory.

These expeditions of the American fur-trading parties west of the Rocky Mountains were confined to the country watered by the Snake river and its tributaries, and the region to the southward. Inroad was not made into Oregon; and competition with the Hudson's Bay Company was avoided. They were migratory parties without established posts,—with temporary depots adopted as rendezvous, where the results of trade were concentrated, from which supplies were distributed, and to which the parties at a designated time would return. While these American fur-trading operations were being prosecuted in and about the western base of the Rocky Mountains, United States vessels were again attempting to renew trade in the Columbia river. In February, 1821, the brig *Owyhee* of Boston, Captain Dominis, entered the Columbia, followed a month later by the schooner *Convoy*, Captain

Thomas, belonging to the same owner. As soon as it was learned at Fort Vancouver that two American vessels were trading at the mouth of the river, the sloop *Multnomah*, laden with trading goods, was sent to Fort George (Astoria) to trade. Captain Dominis having sailed up the coast, the *Convoy* went up the Willamette river to Clackamas Rapids, and there opened trade with the natives. On the recession of the summer high waters, the schooner grounded. The Indians, taking advantage of Captain Thomas' misfortunes, became insolent and menaced both vessel and crew. On hearing of the *Convoy's* condition, Dr. McLoughlin sent assistance, and compelled the Indians to make restitution of the stolen property. After this relief, the *Convoy* sailed up the coast. The *Owyhee* returned to the Columbia, where she wintered. The *Convoy* wintered at the Sandwich Islands. She returned in the spring to the Columbia river, where both vessels remained during the summer.

The visit of the *Owyhee* and the *Convoy* aptly illustrates the policy of the Hudson's Bay Company to American traders, as also the humanity of Governor John McLoughlin to those who met with misfortune,—a broad humanity which never halted to inquire as to race, sect or nationality.

As chief executive officer of the Hudson's Bay Company, intrusted with the entire management of its affairs and business west of the Rocky Mountains, he would not tolerate the presence of a rival trader within the company's fields of operations without the most bitter competition. But, when misfortune overtook any fellow being, he was ever ready to proffer sympathy, to extend assistance. With the utmost promptness, he punished with severity every depredation by Indians upon the white race, English or American. The wrong-doer was demanded; if not surrendered, the tribe or band were treated as accessories, and received merited punishment. Where thefts were committed, restitution must follow. Always justly severe when necessary, the Indians knew what they had to expect; and they universally loved Dr. McLoughlin as a man, and respected his authority as a chief. On March 10, 1829, the Hudson's Bay Company's ship *William and Ann* was wrecked on the north spit, in nearly a direct line between Cape Disappointment and Clatsop Point. Such of the crew as escaped by boats were murdered by the Indians at Clatsop. Suspicion was aroused that, after the ship had been disabled, the Indians had overpowered the crew, and stripped and plundered her. None had survived to tell the tale; and much of her cargo was in possession of the Indians. Dr. McLoughlin with a party, armed with a swivel, demanded restitution of the wrecked goods. The demand was met by the Indians firing upon the party. Upon the discharge of the swivel the Indians fled, except one, who raised his gun to fire and was shot dead. The wrecked property was then peaceably surrendered. The Indians were admonished that they could not profit by disasters to vessels, nor murder white men for plunder. The next year (May 2, 1830), the ship *Isabella*, from London, struck on the northeast point of Sandy Island. Her officers and crew, demoralized at the fate of the *William and Ann*, at once deserted her, never landing from their boats until they reached Fort Vancouver. The cargo remained undisturbed by the Indians, and was entirely saved by a party from Fort George.

In 1831, Captain B. L. E. Bonneville, United States Army, applied for two years' leave of absence "to explore the country to the Rocky Mountains and beyond, with a view of ascertaining the nature and character of the several tribes of Indians inhabiting those regions; the trade which might profitably be carried on with them; quality of soil, productions, minerals, natural history, climate, geography, topography, as well as geology, of the various parts of the country within the limits of the territories of the United States



JACOB FRAZER ESQ.,

PENDLETON, OR.

A PIONEER OF 1850.

between our frontier and the Pacific." On the 3rd day of August of that year, Major-General Macomb, Commander-in-Chief, United States Army, granted the requested leave until October, 1833, instructing Bonneville that the government would be at no expense, but that he must provide suitable instruments and the best maps, especially of the interior; "and that he note particularly the number of warriors that may be in each tribe of natives that may be met with, their alliances with other tribes, and their relative position as to state of peace or war; and whether friendly or warlike positions towards each other are recent or of long standing; their manner of making war, mode of subsisting themselves during a state of war and a state of peace; the arms and the effect of them; whether they act on foot or on horseback; in short, every information useful to the government."

During the ensuing winter, an association was formed in New York from which Captain Bonneville received the necessary financial aid. On the 1st of May, 1832, the Bonneville party, numbering 110 men, with twenty wagons, started from Fort Osage, carrying a large quantity of trading goods destined for the regions watered by the Colorado and Columbia. He remained west of the Rocky Mountains over two years. The narrative of Bonneville's adventures is among the most fascinating of the works of Washington Irving; and upon such notable circumstance the historic claim of this expedition mainly depends. In that narrative, Irving, in his own inimitable style, has chronicled the vicissitudes and novelties of life in the Rocky Mountains, as experienced by trappers and adventurers. In language more thrilling and varied than romance, he has pictured the trapper's life, its dangers, its exciting pleasures, the bitter rivalry of competing traders, the hostility of savages; in short, a pen picture has been produced by a master hand, from which latest posterity can learn what constituted the fur trade and how it was prosecuted in the heart of the American continent and in Oregon within the first half of the nineteenth century. Bonneville went as far west as Fort Walla Walla. His parties penetrated the valleys of the Humboldt, Sacramento and Colorado. Competed with by the Hudson's Bay Company, encountering the most bitter and unceasing rivalry of the more experienced Missouri fur traders, Bonneville's venture was pecuniarily a failure.

In 1832, Captain Nathaniel J. Wyeth, of Massachusetts, crossed overland to Oregon with the purpose of establishing salmon fisheries on the Columbia river, in connection with prosecuting the Indian and fur trade. He dispatched a vessel *via* Cape Horn to the Columbia with trading goods. Captain Wyeth and party reached Fort Vancouver October 29th. It was calculated that such vessel would make the voyage to the Columbia in about the same time it occupied his party to prosecute the overland journey. But the vessel never reached the Columbia river. She was never heard from after sailing. John Ball, a member of Wyeth's party, opened a school at Fort Vancouver in January, 1833, but the attempt proved a failure. On the 1st of March following, Solomon H. Smith, another of Wyeth's company, accepted from chief factor Dr. McLoughlin an engagement to teach school for six months. The teacher was at first discouraged. Instead of an English school, he found a great confusion of tongues. Says he (1): "The scholars came in talking their respective languages,—Cree, Nez Perce, Chinook, Klickitat, etc., etc. I could not understand them, and when I called them to order there was but one who understood me. As I had come from a land where discipline was expected in school management, I could not persuade myself that I could accomplish anything without order.

(1) In a letter to the author.

I therefore issued my orders; and, to my surprise, he who understood joined issue with me upon my government in the school. While endeavoring to impress upon him the necessity of discipline and order in the school, and through him making such necessity appreciated by his associates, Dr. McLoughlin, chief factor, entered. To the doctor I explained my difficulty. He investigated my complaint, found my statements correct, and at once made such an example of the refractory boy that I never afterwards experienced any trouble in governing. I continued in the school over eighteen months, during which the scholars learned to speak English. Several could repeat Murray's grammar verbatim. Some had gone thro' arithmetic, and upon review copied it entire. These copies were afterwards used as school books, there having been only one printed copy at Fort Vancouver. The school numbered twenty-five pupils."

Captain Wyeth returned overland to Boston in 1833, most of his party remaining in the country, several making settlements in the Willamette valley. Not disheartened with the failure of the first attempt, Captain Wyeth renewed his efforts to establish direct trade between Boston and the Columbia river. Having dispatched the brig *May Dacre*, Captain Lambert, laden with trading goods and supplies, to the Columbia *via* Cape Horn, he crossed the continent with two hundred men. In that overland train were Dr. Nuttall and John K. Townsend, of Philadelphia, both well known to science, the latter being the author of a pleasing narrative of this journey. The pioneer party of the Oregon Methodist Mission consisted of Revs. Jason and Daniel Lee, and Messrs. P. L. Edwards and Cyrus Shepherd, lay members. Courtney M. Walker, employed by the mission for one year, also accompanied. They left Independence, Missouri, April 24, 1834, and reached the junction of Snake and Port Neuf rivers early in July. At this point, Wyeth built a trading-post called by him Fort Hall, in which he stored his trading goods. Having fitted out trapping parties, he proceeded to Fort Vancouver, reaching that place about the same time that the *May Dacre* arrived in the river. At the lower end of Wapato (now Sauvie's) Island, Wyeth established a salmon fishery and trading-house, which he named Fort William. The salmon fishery proved unsuccessful. His efforts to trade with the Indians and to purchase beaver skins were without profit. Competition of the Hudson's Bay Company, constant trouble with the Indians, the loss of several of his men killed by Indians or drowned, at length discouraged him. It is stated by competent authority (1), "that the island was thickly inhabited by Indians until 1830, when they were nearly exterminated by the congestive chills and fever. There were at the time three villages on the island. So fatal were the effects of the disease, that Dr. McLoughlin sent a party to rescue and bring away the few that were left, and to burn the village. The Indians attributed the introduction of the fever and ague to an American vessel that had visited the river a year or two previously. It is not therefore a matter of surprise to any who understand Indian character, and their views as to death resulting from such diseases, that Wyeth's attempted establishment on Wapato Island was subject to their continued hostility. He was of the race to whom they attributed the cause of the destruction of their people; and his employés were but the lawful compensation according to their code for the affliction they had suffered."

A half cargo of salmon having been obtained, the brig sailed in 1835, and never returned to Fort William. In 1835, Captain Wyeth broke up that establishment, disheartened, and returned to Massachusetts. The remnants of his property in Oregon he endeavored to sell in London to the directors of the Hudson's Bay Company. The

(1) George B. Roberts, Esq., long Probate Judge of Wahkiakum county, who arrived in Oregon, 1831, in service of the Hudson's Bay Company.

board of management referred him to the officers in charge at Fort Vancouver. In 1837, Dr. McLoughlin purchased Fort Hall from Captain Wyeth's agents. The employés and laboring men generally remained in the territory. The acquisition by the Hudson's Bay Company and its occupancy of Fort Hall was the end of the American fur trade west of the Rocky Mountains. After two or three years, it was finally abandoned.

The results of Wyeth's expedition, though disastrous to him financially, were in the greatest degree valuable to the United States and to the territory itself. His memoir printed by order of Congress attracted the attention of American people to Oregon, its value, its claim to colonization. The statement as to its resources, its climate, soil, productions and accessibility stimulated immigration. Oregon hereafter is to be settled and Americanized.

Chapter XVII.

(1807–1827.)

Conflicting Claims to Northwestern Coast of America — Abortive Efforts to Settle the Boundary of Respective Possessions — Capture and Surrender of Astoria — Convention of 1818 — United States Acquires the Spanish Claim by Florida Treaty — Russia Limited to Making Settlements Northward of Fifty-four Degrees, Forty Minutes, by Conventions with Great Britain and United States — That Parallel Becomes the Northern Boundary of the Oregon Territory — Great Britain and the United States the only Claimants of Oregon — Treaty of 1827.

THE exploration, settlements and acts heretofore narrated constitute the *bases* upon which Russia, Spain, Great Britain and the United States respectively asserted claim to the territory on the northwest coast of America. Russia exclusively claimed the coast north of fifty-one degrees north, with all adjacent islands. Her tenable or recognized claims, as defined by herself, will be found in the grant (July 8, 1799), by Emperor Paul, to the Russian-American Fur Company: "In virtue of the discovery by Russian navigators of a part of the coast of America in the northeast, beginning from the fifty-fifth degree of latitude, and of claims of islands extending from Kamtchatka, northward towards America, and southwards toward Japan, Russia had acquired the right of possessing those lands. And the said company is authorized to enjoy all the advantages of industry, and all the establishments upon the said coast of America, in the northeast, from the fifty-fifth degree of latitude to Behring's Strait and beyond it, as also upon the Aleutian and Kurile Islands and the others situated in the Eastern Ocean."

Nor did Russian traders subsequent to that year establish settlements or make discoveries south of that parallel. Still Russia assumed the fifty-first degree to be the southern limits of her possessions as against the United States, upon the ground that such parallel was midway between Sitka and the mouth of the Columbia river. That power also maintained rights of sovereignty over the whole of the Pacific north of fifty-one degrees, inasmuch as that portion of the ocean was bordered on both sides by Russian territory, and was for such reason a *close sea*. Consonant with these views, though asserted later than the period which marks the commencement of this chapter, Russian pretensions to sovereignty on the northwest coast are all well illustrated in the Imperial Ukase of September 4, 1821, immediately following the renewal of the charter of said company. That Ukase asserts "that the whole west coast of America north of the fifty-first degree, the whole east coast of Asia north of forty-five degrees, fifty minutes, with all adjacent and intervening islands, belong exclusively to Russia; and it also prohibits the citizens and subjects of all other nations, under severe penalties, approaching within one hundred miles of any of these coasts, except in cases of extreme necessity."



CAPT. W. B. WELLS,
PORTLAND, OR.



MRS. M. J. BRISTOW,
PORTLAND, OR.



HON. L. F. MOSHER,
ROSEBURGH, OR.



DR. G. KELLOGG,
PORTLAND, OR.



MRS. DR. G. KELLOGG,
PORTLAND OR.

The Spanish claim was equally bold: "The right and dominion of the Crown of Spain to the northwest coast of America, as high as the Californias, are certain and indisputable, the Spaniards having explored it as far as the forty-seventh degree in the expedition under Juan de Fuca in 1592, and in that under Admiral Fonté to the fifty-fifth degree in 1640. The dominion of Spain in its vast regions being thus established, and her rights of discovery, conquest and possession being never disputed, she could scarcely possess a property founded on more respectable principles, whether of the law of nations, of public law, or of any others which serve as a basis to such acquisitions as compose all the independent kingdoms and states of the earth." Such was its assertion by Chevalier de Onis, so long the accomplished Minister of Spain to the United States. It was made while Spain was asserting title adversely to all other nations. It expressed the measure of Spanish claim, not only when uttered but as asserted for centuries. This contention derives additional value, indicating as it does the conviction as entertained by a most eminent Spanish stateman, *that no territory nor claim thereto* had been surrendered to Great Britain in the Nootka Treaty and the incidents growing out of it.

Great Britain did not assert exclusive title to any portion of the northwest coast. The voyages of Drake, Cook, Meares, Vancouver and others to the coast, of Sir Alexander Mackenzie across the continent, followed by the formation of establishments within the territory, all afford evidences that portions of the coast and much of the interior had been claimed by British subjects in the name of their sovereign. Whatever rights could attach to or grow out of those acts, the British government had no idea of relinquishing. Two of her eminent negotiators thus defined her *status*. "Great Britain claims no *exclusive* sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy, in common with other states, leaving the right of exclusive dominion in abeyance. In other words, the pretensions of the United States tend to the ejection of all other nations, among the rest, of Great Britain, from all the rights of settlement in the district claimed by the United States. The pretensions of Great Britain on the contrary tend to *the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.*" British authorities thus commented upon the Spanish claim: "If the conflicting claims of Great Britain and Spain, in respect to all that part of the coast of North America, had not finally been adjusted by the convention of Nootka in the year 1790, and all the arguments and pretensions, whether resting on priority of discovery, or derived from any other consideration, had not been definitely set at rest by the signing of that convention, nothing could be more easy than to demonstrate that the claims of Great Britain to that country, as opposed to those of Spain, were so far from visionary or arbitrarily assumed that they established *more than a parity of title to the possession* of the country in question, either as against Spain or any other nation."

Fairly stated, Great Britain asserted no *exclusive* title, but preferred to acquire and rely upon *possession*, strengthening her claim by settlements permitted by other nations, who in such permission admitted that their title was *insufficient* to authorize her exclusion. Being thus in possession, and herself the judge of the indefeasibility of adverse title, she could elect whether she would be *ousted*. The situation is thus defined: "While we have not the title, we want the possession. In the meantime, we do not admit your title to be any better than ours. In other words, just such a title as in all ages of the world *might* has made *right*."

The claim of the United States was at that time of a two-fold character: *In its own right*, based upon the discovery of the Columbia river by a citizen of the United States; subsequent explorations of that river by Lewis and Clark, from its sources to its mouth, followed and strengthened by American settlements upon its banks. Upon the universally recognized principle of the law of nations, that the discovery of a river, followed by acts of occupancy, secured the right to the territory watered by it and its tributaries, the United States claimed the territory west of the Rocky Mountains lying between forty-two degrees and fifty-one degrees north latitude, subject to the claim of Spain by virtue of the voyages of discovery by Spanish navigators to portions of the coast or its adjacent islands.

As successors to France: By purchase of Louisiana in 1803, the United States acquired the claim of *continuity* to the territory from the Mississippi westward to the Pacific Ocean, of the breadth of that Province, its north line according to the Treaty of Utrecht (1713) being the dividing line between the Hudson's Bay Territory and the French Provinces in Canada. The doctrine had for centuries been recognized, that *continuity* was a strong element of territorial claim; indeed its application had been universal to the colonization of the Atlantic seaboard. All European powers, in making settlements, maintained that colonial grants or charters (if not otherwise expressed) comprised not only the limits named therein, but included a region of country of like breadth extending across the continent to the South Sea or Pacific Ocean. For the integrity of this principle, the war between Great Britain and France had been waged, which terminated by the treaty of 1763. By that treaty the former power received Canada and Illinois, renounced to France all territory west of the Mississippi, and thereby surrendered any claim by continuity westward of that river. Thus was conferred upon France all claim to the territory on the American continent westward of the Mississippi river, which, by the principle of continuity, extended westward to the Pacific Ocean, subject alone to the claims which might be set up by Spain. To the summit of the Rocky Mountains, the French title to the Louisiana territory was absolute and indefeasible; and, it may be safely contended, good to the South Sea or Pacific Ocean, if not interfered with by actual occupancy of an adverse power. The treaty of 1763 transferred to France whatever benefits might accrue from the recognized doctrine of continuity, and forever barred Great Britain from asserting such claim; for she was therein exclusively limited to the Mississippi river as the western boundary of her American possessions. The treaty of peace in 1783, between Great Britain and the United States, established our national independence, constituted the United States successor of Great Britain, with its western boundary, the Mississippi river, as prescribed and defined by the treaty of 1763. The Louisiana Purchase, therefore, restored to the United States, assignee and successor to France, the great link of continuity which Great Britain had lost by the treaty of 1763. Such were the relative claims to this territory in the early part of the nineteenth century.

Shortly after the Louisiana Purchase, negotiations were commenced between the United States and the British government for the adjustment of the boundary line between the respective possessions westward of the Mississippi river. This resulted in the signing of a convention (in 1807) by negotiators of the two governments, by the fifth article of which "the forty-ninth parallel, from its intersection by a line drawn from the most northwestern point of the Lake of the Woods, westward to the Rocky Mountains, was defined as said boundary; but nothing in the present article shall be construed to extend to the northwest coast of America, or to the territory belonging to or

claimed by either party on the continent of America to the westward of the Stony Mountains." President Jefferson objected to the proviso, as "it could have little other effect than as an offensive intimation to Spain that the claims of the United States extended to the Pacific Ocean. However reasonable such claims may be compared with those of others, it is impolitic, especially at the present moment, to strengthen Spanish jealousies of the United States, *which it is probably an object with Great Britain to excite by the clause in question.*" The President rejected the treaty without submitting it to the Senate.

In the negotiations which terminated in the Treaty of Ghent (December 20, 1814), the effort was renewed to establish the northern boundary of the United States, westward of the Mississippi river. The United States commissioners offered the boundary line and proviso of the convention of 1807. The British negotiators signified their willingness to accept the proposition, coupled with the right of navigation of the Mississippi river from British America to the Gulf of Mexico. That proposition was not entertained; and the treaty was concluded without allusion to the northern boundary of the United States westward of the Lake of the Woods.

There was, however, in the first article of the Treaty of Ghent, a stipulation, the fulfillment of which became an important feature in the Oregon controversy, to wit: "All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay."

On the 18th of July, 1815, James Monroe, Secretary of State, notified the British Minister at Washington that the United States government would immediately take the necessary steps to reoccupy the post at the mouth of the Columbia river, called Astoria by its founder, but nominated Fort George by the British. In 1817, Captain James Biddle, United States Navy, in command of the sloop-of-war *Ontario*, sailed for the mouth of the Columbia river, bearing hence Hon. J. B. Prevost, United States Commissioner. The object of this voyage was to assert United States sovereignty in the country adjacent to the Columbia river in a friendly and peaceable manner, and without the employment of force.

On the sailing of the *Ontario*, the British Minister at Washington remonstrated. Discussion ensued as to the method of restitution, character of settlement, and the effect that such surrender would have on the respective claims of the two governments. It was insisted by the United States, and conceded by the British negotiators, that the *status quo ante bellum* should be restored; that, in treating of the title, the United States should be in possession. The unconditional surrender of Astoria to the United States having been agreed upon, negotiations on the question of the northern boundary west of the Mississippi were resumed.

In pressing a final disposition of the boundary to include the territory west of the Rocky Mountains, the United States asserted the intention "to be without reference or prejudice to the claims of any other power." At this time, the boundary between the Spanish North American possessions and the United States had been undetermined; the Russian possessions on the northwest coast, which advanced southwardly, had not been definitely limited. The proposition submitted by the United States was the forty-ninth parallel, from its intersection by a line drawn through the northwest extremity of the Lake of the Woods westward to the Pacific Ocean. The British negotiators again insisted upon the right of navigating the Mississippi from its sources to the Gulf. It was not expected that the proposition would be entertained; and thus ended the matter.

The relative rights of Great Britain and the United States to the territory of the Pacific coast were freely discussed. Messrs. Gallatin and Rush maintained that the discovery of the Columbia river by Captain Robert Gray, the exploration from its headwaters to the ocean by Lewis and Clark, and the American settlement on its banks near its mouth (Astoria), rendered the claim of the United States "at least good against Great Britain to the country through which such river flowed, though they did not assert that the United States had a perfect right to the country." The British commissioners, in reply, referred to the discoveries by British navigators, especially those of Captain Cook, and to purchases from the natives south of the river Columbia, which they alleged to have been made prior to the American Revolution. They made no formal propositions as to boundary, but intimated that the Columbia was the most convenient that could be adopted; nor would they agree to any settlement that did not give to Great Britain the harbor at the mouth of the Columbia river in common with the United States. As the discussion progressed, difficulties multiplied. Agreement being impossible, negotiations were brought to an end by the treaty of October 20, 1818, which determined the boundary of the United States *westward to the Rocky Mountains.*

The third article of that treaty refers to Oregon Territory as follows:

"It is agreed that any country that may be claimed by either party, on the northwest coast of America westward of the Stony (Rocky) Mountains, shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of signature of the present convention, to the vessels, citizens and subjects of the two powers. It being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country."

Immediately after the conclusion of the so-called Joint-Occupancy Treaty, which was really a mutual covenant that neither government would attempt acts in prejudice to the other's claims, the United States renewed negotiations with Spain for the adjustment of the southwestern boundary of the former nation. This resulted (February 22, 1819) in the Treaty of Florida.

In consideration of the cession of Florida by Spain, the Sabine river was constituted the western boundary of the United States. The southern boundary was designated by "a line drawn on the meridian from the source of the Arkansas river, northward to the forty-second parallel, thence along the parallel to the Pacific (1) ocean;" and Spain ceded to the United States "all rights, claims and pretensions to any country north of the said forty-second parallel."

Thus and thereafter, the Florida Treaty had eliminated Spain from the controversy, and left the United States successor in interest, clothed with all the rights which has inured to Spain by virtue of the discoveries of Spanish navigators.

Such being the attitude of the respective claimants, John Quincy Adams, Secretary of State, on the 22d of July, 1823, addressed instructions to Richard Rush, Minister to England, that memorable letter insisting upon the adjustment of the boundaries of the several claims on the northwest coast of America, which clearly exhibits the view of the government as to its territorial rights west of the Rocky Mountains, and the weight attached by it to the claims of other nations. Says he: "Among other subjects of negotiation with Great Britain which are pressing upon the attention of this government

(1) By treaty, January 12, 1828, the Republic of Mexico adopted, as her northern boundary line, said western and southern line of the United States as defined by the Florida Treaty.



J. J. H. VANBOKKELEN.

PORT TOWNSEND, W.T.

is the present condition of the northwest coast of this continent. By the treaty of amity, settlement and limits between the United States and Spain of February 22, 1819, the boundary line between them was fixed at forty-two degrees north latitude, from the source of the Arkansas river to the South Sea. By which treaty the United States acquired all the rights of Spain north of that parallel.

"The rights of the United States to the Columbia river, and to the territory washed by its waters, rest upon its discovery from the sea, and nomination by a citizen of the United States; upon its exploration to the sea by Captains Lewis and Clark; upon the settlement of Astoria made under the protection of the United States and restored to them in 1818; and upon the subsequent acquisition of all rights of Spain, the only European power who, prior to the discovery of the river, had any pretensions to territorial rights on the northwest coast of America. The waters of the Columbia extended by the Multnomah to the forty-second degree of latitude, thence descending southward, till its sources almost intersect those of the Missouri. To the territory thus watered, and immediately contigous to the original possessions of the United States as first bounded by the Mississippi, they consider their rights to be now established by all the principles which have ever been applied to European settlements upon the American hemisphere."

Mr. Adams then adverts to the claim of Russia. The subsequent acquisition of Alaska by the United States has imparted a vast interest to this letter; yet its bearing on the history of Oregon is so remote, that omission becomes necessary. Returning to the British pretensions, he continues: "Until the Nootka Sound contest, Great Britain had never advanced any claim to territory upon the northwest coast of America by right of occupation. Under the treaty of 1763, her territorial rights were bounded by the Mississippi. On the 22d of July, 1793, Mackenzie reached the shores of the Pacific by land, from Canada, in latitude fifty-two degrees, twenty-one minutes north, longitude one hundred and twenty-eight degrees, two minutes west of Greenwich.

"It is stated in the fifty-second number of the *Quarterly Review*, in the article on Kotzebue's voyage, 'that the whole country, from latitude fifty-six degrees, thirty-nine minutes to the United States, in latitude forty-eight degrees or thereabouts, is now, and has long been, in the actual possession of the British North West Company; that this company have a post on the borders of a river in latitude fifty-four degrees, thirty minutes north, longitude one hundred and twenty-five degrees west, and in latitude fifty-five degrees, fifteen minutes north, longitude one hundred and twenty-nine degrees, forty-four minutes west. By this time (March, 1822), the united company of the North West and Hudson's Bay have in all probability founded an establishment.'

"It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the northwest coast of America. That the United States should form establishments there, with views of absolute territorial rights and inland communication, is not only to be expected, but is pointed out by the finger of nature, and has for years been a subject of serious deliberation in Congress. A plan has been for several sessions before them for establishing a territorial government on the borders of the Columbia river. It will undoubtedly be resumed at their next session; and, even if then again postponed, there cannot be a doubt that, in the course of a very few years, it must be carried into effect.

"Previous to the restoration of the settlement at the mouth of the Columbia river in 1818, and again upon the first introduction in Congress of the plan for constituting a territorial government there, some disposition was manifested, by Sir Charles Bagot and Mr. Canning,

to dispute the right of the United States to that establishment; and some vague intimation was given of British claims on the northwest coast. The restoration of the place, and the convention of 1818, was considered a final disposition of Sir Charles Bagot's objections; and Mr. Canning declined committing to paper that which he had intimated in convention.

"The discussion of Russian pretensions in the negotiations now proposed necessarily involves the interests of three powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding, with respect to their respective possessions, as well as upon their joint views with reference to those of Russia.

"The principles settled by the Nootka Convention of 28th October, 1790, were:

"1st. That the rights of fishing in the South Seas or trading with the natives of the northwest coast of America, and of making settlements on the coast itself, for the purpose of that trade, north of the actual settlements of Spain, were common to all the European nations, and of course to the United States.

"2d. That as far as the actual settlements of Spain had extended, she possessed the exclusive rights, territorial, of navigation and fishery, extending to the distance of ten miles from the coast actually so occupied.

"3d. That on the coasts of South America and adjacent islands, south of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects; but on both sides should be retained the liberty of landing and erecting temporary buildings for the purposes of fishing. These rights were also, of course, enjoyed by the people of the United States.

"The exclusive rights of Spain to any part of the American continents have ceased. That portion of the convention, therefore, which recognizes the colonial rights of Spain on the continents, though confirmed as between Great Britain and Spain, by the first additional article of the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nations and of Mexico. Those independent nations will possess the rights incident to that condition; and their territories will, of course, be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation."

That great statesman then promulgates the great vital principle, the application of which must eventually *Americanize* this continent:

"A necessary consequence of this state of things will be that the American continents, henceforth, will no longer be subject to colonization. Occupied by civilized, independent nations, they will be accessible to Europeans, and each other, on that footing alone; and the Pacific Ocean, in every part of it, will remain open to the navigation of all nations; in like manner will the Atlantic. Incidental to the condition of national independence and sovereignty, the rights of interior navigation of their rivers will belong to each of the American nations within its own territories.

"The application of colonial principles of exclusion, therefore, cannot be admitted by the United States as lawful upon any part of the northwest coast of America, or as belonging to any European nation. Their own settlements there, when organized as territorial governments, will be adapted to the freedom of their own institutions, and, as constituent parts of the Union, be subject to the principles and provisions of the Constitution. If the British Northwest and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the *Quarterly Review* above cited, the third article of the convention of the 20th of October, 1818, is applicable to them. Mr. Middleton (envoy to Russia) is authorized by his instructions to propose an article of similar import, to be

inserted in a joint convention between the United States, Great Britain and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British government, and, with a view to draw a definite line of demarkation for the future, to stipulate that no settlement shall hereafter be made on the northwest coast, or any of the islands thereto adjoining, by Russian subjects south of latitude fifty-five degrees, by citizens of the United States north of latitude fifty-one degrees, or by British subjects either south of fifty-one degrees or north of fifty-five degrees.

"I mention the latitude of fifty-one degrees as the bounds within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia river branches as far north as fifty-one degrees (1), although it is most probably not the Tacouche Tessee of Mackenzie (2). *As, however, the line runs already in latitude forty-nine degrees to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea.*"

The copiousness of the extracts has been deemed essential to a thorough understanding of the attitude of the United States in the initiation of its diplomatic policy regarding the territory west of the Rocky Mountains. Those instructions render plain that protracted diplomatic war. Briefly, but forcibly, is exhibited the claims of the three great powers. Temperately, firmly, and without arrogance, the title of the United States is maintained. How unmistakably is the policy indicated that should govern. Indeed here is found the full recital of the American claim. With a proper spirit of concession, dictated only by a disposition to avoid disturbing friendly relations, the American Secretary consented that, as the line of forty-nine degrees had become historical east of the Rocky Mountains, it might be adopted as the continuing boundary, westward to the Pacific Ocean.

"At the proposal of the Russian Imperial government, made through the Minister of the Emperor residing here, full power and instructions have been transmitted to the Minister of the United States residing at St. Petersburg, to arrange by amicable negotiations the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussion to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, *that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.*"

On the 1st of April, 1824, Mr. Rush opened negotiations with the British Ministers, Messrs. Stratford Canning and William Huskisson. Mr. Rush persistently endeavored to secure what the government had instructed him to obtain. His propositions were rejected. The British negotiators offered the forty-ninth parallel until its intersection with the northeasternmost branch of the Columbia river (Clark's Fork), thence following said river to the ocean, guaranteeing to the citizens and subjects of both nations the perpetual right of free navigation of the Columbia river. Mr. Rush rejected the proposition, and the negotiations terminated.

(1) Recent explorations have determined that the Columbia river, having risen in the Rocky Mountains, flows northerly as high as fifty-two degrees, ten minutes, when it receives the Canoe river, this latter tributary taking its rise in latitude fifty-three degrees.

(2) The Tacouche Tessee of Sir Alexander Mackenzie has since proven to be the Fraser river.

On the 17th of April, 1824, Mr. Middleton, Minister to Russia, concluded a treaty at St. Petersburg, between the United States and Russia, by which fifty-four degrees, forty minutes north was fixed as the line, north of which the citizens of the United States were prohibited from making settlements, and south of which no Russian settlement should be allowed. In February, 1825, Great Britain and Russia entered into a treaty by which the line of fifty-four degrees, forty minutes was fixed as the dividing line between their respective territorial claims on the Pacific coast. Thus and then was stamped upon the region the far-famed line of fifty-four degrees, forty minutes. The Oregon Territory hereafter in controversy between Great Britain and the United States may be described as the region lying between the Rocky Mountains and the Pacific Ocean, and between forty-two degrees and fifty-four degrees, forty minutes north latitude.

In 1828 an attempt was renewed to secure from Great Britain an adjustment of the northern boundary of Oregon Territory. Albert Gallatin then represented the United States at the British Court. Henry Clay, Secretary of State (June 19, 1826), thus instructed him:

"It is not thought necessary to add much to the argument advanced on this point in the instructions given to Mr. Rush, and that which was employed by him in the course of the negotiation to support our title as derived from prior discovery and settlement at the mouth of the Columbia river, and from the treaty which Spain concluded on the 22d of February, 1819. That argument is believed to have conclusively established our title on both grounds. *Nor is it conceived that Great Britain has, or can make out, even a colorless title to any portion of the northern coast.*" The opinion of that illustrious statesman as to the effect of the acquisition of the Spanish claim by the Florida Treaty is expressed in this language: "By the renunciation and transfer contained in the treaty with Spain of 1819, *our right extended to the sixtieth degree of latitude.*"

In a later dispatch to Mr. Gallatin (February 24, 1827), Mr. Clay referred to the British claims as "new and extraordinary," adding "that they have not yet produced any conviction in the mind of the President of the validity of the pretensions brought forward, nor raised any doubts of the strength and validity of our own title." In regard to the American offer of the forty-ninth parallel, he said: "It is conceived in a genuine spirit of concession and conciliation, and it is our *ultimatum*, and you may so announce it." Mr. Gallatin, having advised the State Department of its rejection by the British negotiators, Mr. Clay instructed him to declare "that the American government does not hold itself bound hereafter, in consequence of any proposal which it has heretofore made, to agree to the line which has been so proposed and rejected, but will consider itself at liberty to contend for the full extent of our just claims; which declaration you must have recorded in the protocol of one of your conferences; and to give it more weight, *have it stated that it has been done by the express direction of the President.*"

In this negotiation (1826-7), the British claim was represented by Messrs. Huskisson, Charles Grant and Henry W. Addington. Mr. Gallatin so powerfully sustained the United States claim, that the British negotiators ultimately admitted that Great Britain did not assert *any title* to the country, but urged that her *claim* was good against the United States; that it conferred right to occupy the territory in common with other nations; that Oregon was free and open territory to British subjects under concessions by Spain in the Nootka Convention. Complaint was made by the British negotiators of the recommendation by President Monroe in his annual message to Congress, December 7, 1824, to establish a military post at the mouth of the Columbia river, as also of the passage by the House



MRS. HANNAH J. OLMSTEAD,
WALLA WALLA, W.T.

of Representatives, December 23, 1824, of the bill "To provide for occupying the Oregon river." Mr. Gallatin answered, citing the Act of the British Parliament of July 2, 1821, "An Act for regulating the fur trade, and establishing a criminal and civil jurisdiction in certain parts of North America." Whilst by its provisions vast and unrestricted privileges were conferred upon the Hudson's Bay Company, the company were endowed with all the powers of government; nor were American citizens within the territory exempted from liability to civil and criminal jurisdiction of British courts. He also urged that the United States possessed no such companies, nor did the power exist to charter them; that its only method of protection to its own citizens was through the forms of a territorial government, which could not do more for American citizens than did the act of Parliament for those British subjects who might be present in the territory under the license of trade; that the said act of Parliament actually clothed the licensed Hudson's Bay Company with the exclusive occupancy of the territory. He further contended that a territorial government, established solely with the motive of protecting citizens of the United States present within the territory, in nowise infringed upon the treaty of 1818; and that, under the provisions of that treaty, there was not the slightest impropriety in the United States government erecting forts within the territory for the protection of its citizens against the native population. These explanations were entirely satisfactory to the British negotiators; and no further objections were made.

Mr. Gallatin again offered the forty-ninth degree, to the Pacific Ocean, with the further concession that "the navigation of the Columbia river shall be perpetually free to subjects of Great Britain in common with citizens of the United States, provided that the said line should strike the northeasternmost or any other branch of that river at a point at which it was navigable for boats." This offer was summarily rejected by the British Ministers, who renewed the offer of 1824, with this addition. "To concede to the United States the possession of Port Discovery, on the southern coast of de Fuca's Inlet, and annex thereto all that tract of country comprised within a line drawn from Cape Flattery along the southern shores of de Fuca's Inlet to Point Wilson, at the northwestern extremity of Admiralty Inlet; from thence along the western shore of that Inlet across Hood's Canal to the point of land forming the northeastern extremity of said Inlet; from thence along the eastern shore of that inlet to the southern extremity of the same; from thence direct to the southern point of Gray's Harbor; from thence along the shore of the Pacific Ocean to Cape Flattery as before mentioned." The British Plenipotentiaries coupled this offer with a protest against "its being considered as a prejudice to the claims of Great Britain included in her proposals of 1824; and declared that such offer was not called for by any just comparison of the grounds of those claims and of the counterclaim of the United States, but rather as a sacrifice which the British Government had consented to make, with a view to obviate all evils of future indifference in respect to the territory west of the Rocky Mountains." The proposition was rejected by Mr. Gallatin. The negotiations terminated in the treaty of August 6, 1827.

At the opening of the first session of the twenty-fifth Congress (December, 1827), President John Quincy Adams, in his annual message, announced the negotiation of the treaty of August 6, 1827, which continued in force the treaty of 1818 for an indefinite period from and after October 25, 1828, at which date the third article of the former treaty defining the rights of both governments in the Oregon territory would have expired. It was, however, provided that either government might abrogate the latter convention, by giving twelve months' notice.

The next chapter reciting the proceedings in Congress in regard to Oregon will be found to chronicle facts which have occurred anterior to the time to which we have traced those negotiations. This has been essential to preserve the integrity and intactness of diplomatic history, not only because of the intimate connection of events, consequent upon each other, and entirely independent of such congressional acts, but really because the treaty of 1827 was a mere enlargement of the term of joint occupancy provided by the treaty of 1818. The only change in the *status* of parties to each other, to, in or about the territory, had occurred when the claims of the United States had become augmented by the assignment of the Spanish title. It was alike essential to an appreciation of congressional proceedings, thus to have traced the antecedents, extent and territorial rights,—in short, what constituted the Oregon Territory, about which Congress was inaugurating legislation.

There can be no doubt that, during the continuance of these two treaties, British foothold in Oregon was immeasurably strengthened and the difficulty of the adjustment of boundaries materially enhanced. Nor does this reflect in the slightest degree upon those great publicists who managed the claim of the United States in those negotiations. Matchless ability and earnest patriotism, firm defense of the integrity of the United States' claim, and withal a disposition to compromise to avoid rupture with any other nation, mark those negotiations in every line. The language and intention of those treaties are clear and unmistakable. Neither government was to commit any act in derogation of the other's claim, nor could any advantage inure to either; during their continuance the territory should be free and open to citizens and subjects of both nations. Such is their plain purport; such the only construction which their language will warrant. Yet it cannot be controverted that the United States had thereby precluded itself from the sole enjoyment of the territory which it claimed in sovereignty; nor that Great Britain acquired a peaceable, recognized and uninterrupted tenancy-in-common in regions where her title was so imperfect, that she herself admitted she could not successfully maintain, nor did she even pretend to *assert* it. She could well afford to wait. Her's was indeed the policy later in the controversy styled *masterly inactivity*: "Leave the title in abeyance, the settlement of the country will ultimately settle the sovereignty." In no event could her colorless title lose color; while an immediate adjustment of the boundary would have abridged the area of territory in which, through her subjects, she already exercised exclusive possession, and had secured the entire enjoyment of its wealth and resources. The Hudson's Bay Company, by virtue of its license of trade excluding all other British subjects from the territory, was Great Britain's trustee in possession;—an empire company, omnipotent to supplant enterprises projected by citizens of the United States, which had effectually closed the door of the territory to citizens of the United States. Indeed, the territory had been appropriated by a wealthy, all-powerful monopoly, with whom it was ruinous to attempt to compete. Such is a true exhibit of the then condition of Oregon, produced by causes extrinsic to the treaty, which the United States government could neither counteract nor avoid. The United States had saved the right for its citizens to enter the territory, had *protested* likewise that no act nor omission on the part of the government or its citizens, or any act of commission or omission by the British government or her subjects during such joint-occupancy treaties, should affect in any way the United States' claim to the territory.

It is neither expedient nor profitable to inquire whether the Hudson's Bay Company had *intention* to strengthen British claim to Oregon, beyond the natural and laudable

desire of English subjects to covet perpetuation and extension of British grandeur and power. Certain it is that the company, by its wealth, organized efficiency and absorbing tendencies, did exclude for many years all other persons from that territory; did achieve for the British government a sole occupancy by its subjects; did afford the *basis* for the only lien the British government ever acquired to Oregon Territory or any part of it. During the continuance of that mere franchise of trade, mere privileges of presence, amplified into possessory rights of such importance that their divestment became a matter of vast concern,—a complication in that prolonged controversy. In fact, those joint occupancy treaties secured to Great Britain all that she desired,—time for the Hudson's Bay Company to ripen possessory rights into a fee simple in the soil itself.

The treaties of 1818 and 1827 have passed into history as conventions for joint occupancy. Practically, they operated as *grants* of possession to Great Britain, or rather to her representative, the Hudson's Bay Company, who, after the *merger* with the North West Company, had become *sole* occupant of the territory. The situation may be briefly summed up: The United States claimed title to the territory. Great Britain, through its empire-trading company, occupied it,—enjoyed all the wealth and resources derivable from it.

That no injustice may be done to the memory of those three model American statesmen, Adams, Clay and Gallatin, under whose auspices those treaties had been negotiated, three as great minds and devoted patriots as our own or any nation has ever produced, whose sole end and aim were the grandeur and progress of their country and its institutions, this chapter is concluded with the explanation of the motives prompting, and the results accompanied by, those joint-occupancy conventions, by John Quincy Adams, who, as Secretary of State, was connected with the treaty of 1818, and, as Chief Magistrate of the Union, had assented to the treaty of 1827.

In the memorable debate in the National House of Representatives (session 1845–6) on the Oregon question, the venerable John Quincy Adams, on the 9th of February, 1846, in his demonstration of the validity of the title of the United States up to fifty-four degrees, forty-minutes, and his masterly exposition of the fallacy and audacity of British claim to any portion of the territory on the Pacific coast, thus construes the third article of the treaty of 1818, made pursuant to instructions given by him as Secretary of State, and continued in force by the convention of 1827, while he was President:

"There is a very great misapprehension of the real merits of this case, founded on the *misnomer* which declares that convention to be a convention of *joint occupation*. Sir, it is not a convention of joint occupation. It is a convention of *non-occupation*,—a promise on the part of both parties that neither of the parties will occupy the territory, for an indefinite period: first, for ten years; then until the notice should be given by the one party or the other that the convention shall be terminated; that is to say, that the restriction, the fetters upon our hands, shall be thrown off which prevents occupation."

* * * * * * *

"There is no occupation now. Occupation is the thing we want. Occupation is what I am putting an end to that convention for, because it says that we shall not occupy that territory. The gentlemen from Georgia (Hon. T. Butler King), in his personal remarks to me, has thought proper to call on me to say why, in 1818, and again in 1827, I was willing to agree to this convention with Great Britain, while I now pretend to say that we have a right to the whole of Oregon. Why, I will tell the gentleman and this house."

Mr. King (Mr. Adams yielding the floor) explained that he had asked the gentleman why he had not entered a protest against the claim asserted by Great Britain, if he believed that he had the right to the whole territory.

Mr. Adams (continuing), "I will endeavor to answer the gentleman according to his own idea, why I did not answer a protest. In the first instance, it was in a subordinate capacity that I acted as Secretary of State, under a most excellent man, whose memory I shall always retain with veneration, James Monroe, the President of the United States. And in the second place, when I held the office of President of the United States, *I did make the protest in the convention itself.* If the gentleman will read the convention, he will see a *formal protest* against the claim of Great Britain. The third article of the convention of 1818 is as follows:

"'It is agreed that any country that may be claimed by either party on the northwest coast of America westward of the Stony Mountains shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens and subjects of both powers. It being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claim of any power or state to any part of said country; the only object of the high contracting parties in that respect being to prevent disputes and differences.'

"Is that joint occupation or separate occupation? No such thing. It is *non-occupation.* The territory is to be free and open to all the world, to the vessels, citizens and subjects of the two powers for ten years; and this convention is expressly declared not to affect any claim of either of the two high contracting parties. Now please to observe this, for I mean to draw an argument from the wording here: 'nor shall it be taken to affect the claims of any other power,' * * 'the only object.' Now, I give my answer to the gentleman from Georgia, being to prevent disputes and differences among the contracting parties. That is the object, and that being the only object, and the article itself being confined to ten years, is there not a decided intimation that at the end of ten years differences would come again? Is there not a sufficiently clear protest against any claims Great Britain may have? And not only so, but a reservation of the rights of any other party? Who was that other party? Spain was; and that is a very clear and explicit admission that Spain had a right to that country, which was not to be affected. Well, this was in 1818. Now this convention was stipulated for ten years; and I desire this committee to observe this very expression, showing that both parties understood that this question as to their respective claims was not to be settled during the course of that ten years; but, at the expiration of that term, that they would come up again. It was equivalent to a full, plain claim to the whole territory, just as our Secretary is making it now; but it was said that both parties, not choosing to settle their differences, agreed, for ten years, that the country, with its harbors, bays, creeks and rivers, shall be open to the navigation of both parties, without either party claiming exclusive jurisdiction during that time. That was all.

"Now I come to the second convention of 1827. The first convention was for ten years; and I say it was not intended by the parties to be permanent. But there was a claim in arrears, which we were afterwards, as time should serve, and as circumstances should authorize, to assert and maintain. In the convention of 1827, please to observe the variation of the phrase of the article." (Here Mr. Adams stopped that day; but on the



MRS. M. A. GRAY,
ASTORIA, OR.



HON. W. H. GRAY,
ASTORIA, OR.
PIONEER OF 1836.

13th of April, 1846, having again the floor, he thus adverted to the convention of 1827): "What I wanted to show, when upon the floor of the House before, was the variation of expression between the convention of 1818, and that of 1827, in neither of which the word 'settlements' was used." (Mr. Adams then referred to the Nootka Sound Convention and the discussion upon it in the negotiations in 1818, and thus continued): "Well, sir, I make no question whatsoever, whether the treaty of Nootka Sound was abolished by war or not. I say that if Great Britain was entitled to make settlements by the treaty of Nootka Sound, in 1790, she has forfeited and abandoned that right by the omission of the word in the conventions of 1818 and 1827. In 1818, the convention was made between us and Great Britain. Great Britain claimed at that time the privileges of the Nootka Sound Convention; but she did not choose to claim the right to make settlements for the limited term of ten years. That convention itself excluded it; it left out that word '*settlements*,' copying the Nootka Sound Convention in all other respects, leaving the country open to navigation, commerce and trade with the savages. Why, sir, did they leave out the word 'settlements'? There was no reason assigned for leaving it out; but, if it had been included, we should have had the right of *settlement* as well as they. They forfeited it. They renounced it by omitting the word 'settlements' in the convention of 1818; and it continues to be omitted to this day. In 1827, when the convention came to be renewed, an indefinite time was assigned instead of ten years; *and then again the reservation of rights of any third power was omitted, clearly because we had acquired all the rights of the third power whose rights were reserved before;* and the word 'settlements' continued to be omitted, *Great Britain having no rights under that convention to make any settlement whatever.*" (*Congressional Globe*, vol. 15, twenty-ninth Congress, first session, pages 340, 341 and 664.)

Chapter XVIII.

(1820–1829.)

Proceedings in Congress Relative to Sole Occupancy of Oregon, and Extension Over It of Federal Jurisdiction — Efforts to Establish a Territorial Government.

IN THE winter of 1820-1, Ramsay Crooks of New York and Russell Farnham of Massachusetts, two of the party sent by John Jacob Astor to establish Astoria, visited Washington city. Dr. John Floyd, a Representative in Congress, of Virginia, and Thomas H. Benton, a Senator-elect for the State of Missouri (then applying for admission into the Union), occupied rooms at the same hotel. From Messrs. Crooks and Farnham, Messrs. Floyd and Benton became advised of the value of Oregon, the statistics of its fur trade, its features of general interest, its importance to the nation in a commercial and military view; as also the thorough manner in which the great British fur companies had secured occupancy of the territory, and were controlling its native population, and enjoying the exclusive profits of the fur trade and Indian trade west of the Rocky Mountains. On the 19th of December, 1820, Mr. Floyd, in the House of Representatives of the United States, moved the appointment of a committee "to inquire into the situation of the settlement upon the Pacific Ocean, and the expediency of occupying the Columbia river;" which, having been adopted, Messrs. Floyd, Metcalf of Kentucky, and Swearingen of Virginia, were appointed. On the 25th of January, 1821, the committee reported a bill "to authorize the occupation of the Columbia river, and to regulate trade and intercourse with the Indian tribes therein." A lengthy report accompanied, vindicating the United States' title, and urging the acquisition of possession, in order to secure the advantages of the fur and East Indian trades. The bill was placed upon the calendar, but failed to be reached during that session.

Early next session (December 17, 1822), the House resolved itself into Committee of the Whole upon said bill. Mr. Floyd opened the discussion in a speech supported by statistics, showing the value of the fur trade west of the Rocky Mountains, as also the East Indian trade, which he maintained should be diverted to the United States. Said he. "This is the trade I would turn to Oregon, and from the mouth of that river make the shipments, and return with the rich exchange to our Atlantic cities, and save much of the silver and gold which is now sinking in Asia." Said he: "Now, Mr. Chairman, we cannot be mistaken when we apply the same calculation to the route to the mouth of the Oregon, as steamboat navigation we all know to be safe and sure; wherefore, it will take a steamboat twenty-four days to arrive at the falls of the Missouri; thence I allow a wagon fourteen days to travel two hundred miles to the mouth of Clark's river; thence seven days to the mouth of the Oregon,—making the time necessary for that trip forty-four days." On the next day, Mr. Wright, of Maryland, advocated the bill. Having defended the United States' title, he adverted to the value of the fur trade, and portrayed the advantages to the American whale fisheries, by the establishment of an American

settlement at the mouth of the Columbia river. Mr. Baylies, of Massachusetts, followed, demonstrating the importance of a post in our Pacific possessions for the benefit of our commerce and whale fisheries, alluding to the valuable timber which must ultimately become a source of profit and wealth, and to the growing importance of the Northwest trade. He replied to the fears expressed, that because Oregon was so remote the tie would be weak that bound her to the nation. His eloquent peroration, then prophecy, now history, glowingly pictured our common country, its past development, its future expansion, its westward tendency. "A population of scarcely six hundred thousand swelled into ten millions; a population which in their youth extended scarcely an hundred miles from the Atlantic Ocean, spreading beyond the mountains of the west, and sweeping down those mighty waters which open into regions of such matchless fertility and beauty. Some now within these walls may, before they die, witness scenes more wonderful than these; and in after times may cherish delightful recollections of this day, when America, shrinking 'from the shadows of coming events,' first placed her foot upon untrodden ground, scarcely daring to anticipate the grandeur which awaited her. Let us march boldly on to the accomplishment of this important, this useful and this splendid object; and, my word for it, no one who gives his vote for this bill will repent. On the contrary, he may consider it one of the proudest acts of his life."

Mr. Tucker, of South Carolina, opposed the bill, "because it was calculated to draw off the population and capital to a point where they will be less efficient and useful than at present, where they must be eventually lost to the States." While he considered that the progress of population to the west was inevitable, he had no wish to accelerate it, because, in the nature of things, the people of the east and west sides of the Rocky Mountains must have a permanent separation of interests.

On the 27th of January, 1823, Mr. Floyd moved to take up the bill, on which Mr. Chambers, of Ohio, called the yeas and nays; and, by a vote of sixty-one ayes, one hundred noes, the bill received its quietus for that session. In the Senate, February, 1823, Mr. Benton introduced a resolution "instructing the committee on military affairs to inquire into the expediency of making an appropriation to enable the President of the United States to take and retain possession of the territories of the United States on the northwest coast of America." On the 17th, the resolution was modified with Mr. Benton's consent, substituting a reference to the Committee on Foreign Relations, on which occasion Mr. Benton made the first speech in the Senate in advocacy of the United States immediately asserting its claim to Oregon. He affirmed the following propositions: "1. That our claim of sovereignty is disputed by England; 2. That England is now the party in possession; 3. That she resists the possession of the United States; 4. That the party in possession in 1828 will have the right of possession, under the law of nations, until the question of sovereignty shall be settled by war or negotiation." He thus concluded: "That it was now apparent that the Republic, partly through its remissness, partly from the concessions of our Ministers in London, but chiefly from the bold pretensions of England, is in imminent danger of losing all its territory beyond the Rocky Mountains. The evils of such a loss to us, and the advantages of such an acquisition to her, are too obvious to be here insisted upon. Every one can see that the mouth of the Columbia in the hands of England would immediately be converted into a grand naval station for the protection of her trade and navigation in the Pacific Ocean, and for the destruction of the commerce of all other powers. Not an American ship will be able to show herself beyond Cape Horn, but with the permission of the English. The direct

intercourse between the valley of the Mississippi and Asia would be intercepted. The fur trade of the Rocky Mountains would fall into the hands of British subjects, and with it the entire command of all the Indians west and north, to be turned loose upon the frontiers of Missouri and Arkansas and Illinois and Michigan, upon the first renewal of hostilities between the United States and Great Britain."

The resolution was adopted, but no report emanated from the committee. At the first session of the eighteenth Congress (December 29, 1823), a committee was appointed by the House of Representatives (Mr. Floyd, chairman), to inquire into the expediency of occupying the mouth of the Columbia river. The committee's report, April 15, 1824, embodied a letter of General Thomas S. Jesup, Quartermaster-General, United States Army, on the difficulties of establishing a military post at the mouth of the Columbia river. That experienced veteran asserted, that the possession and military command of the territory and Columbia river were necessary, not only for the protection of trade, but to the security of our western frontier. He recommended "the immediate dispatch of a force of two hundred men across the continent, to establish a fort at the mouth of the Columbia river; that, at the same time, two vessels, with arms, ordnance and supplies, be sent thither by sea. He further proposed the establishment of a line of posts across the continent to afford protection to our traders; and, on the expiration of the privilege granted to British subjects to trade on the waters of the Columbia, to enable us to remove them from our territory, and secure the whole to our citizens. Those posts would also assure the preservation of peace among the Indians in the event of a foreign war, and command their neutrality or assistance as we might think most advisable."

Suggestions from such a source invoking immediate congressional action in regard to Oregon would seem to have merited attention. Congress was, however, unwilling to assert exclusive right to the territory; and it is very questionable whether it was sound policy to herald views, demonstrating the importance to the United States of extending their possessions westward to the Pacific Ocean; the military necessity of the exclusive control of the mouth of the Columbia, as the key to the vast region, and the varied advantages to accrue from the sole occupancy of the country. It was alleged that the publication of this able document furnished a strong incentive to Great Britain to labor more assiduously to retain the advantages of that occupancy which had accrued to her subjects by the treaty of 1818.

Following the appearance of those views, there was a growing interest in the territory west of the Rocky Mountains; there was an increased appreciation of the value of Oregon to the United States; the national duty of asserting exclusive right to the territory was commending itself to popular favor. The letter of General Jesup exposed the motives of Great Britain for delay. It openly advocated the adoption of such an American policy as would serve as a counterpoise to the accretion of title and benefits to Great Britain from her more extensive and methodic occupancy of the country. In short, its theory was that the United States government should embrace the opportunity to secure advantage under the treaty of 1818, and "mature acts" preserving and perfecting its own title. The avowed sentiment of the Monroe Administration justified the belief, that, upon the termination of the convention of 1818, measures would be resorted to, tending to exclusive American occupancy. Hence this indication that Oregon was growing into American notice, coupled with the recommendation by an officer of high rank and acknowledged experience, that the territory should be occupied for military purposes, did stimulate British covetousness, did tend to magnify pretension into claim, did prove an obstacle to adjustment, did prolong the controversy.



JAMES S. DAVIS,

WHITMAN CO., W. T.

At this late day it seems proper to commend such views, and their proclamation inviting governmental attention. It is now clear that the only practical method to have checked British pretensions, fast being transformed from mere denial of exclusive right in the United States into avowal of exclusive British title, was the action and voice of Congress strengthening the hands of the Executive, which, as boldly as General Jesup and the Select Committee, had asserted its readiness to maintain American supremacy in Oregon. History will generously award credit to the sagacious Jesup for indicating, in 1823, the unerring way to preserve the American title to Oregon Territory. Nor will it fail to commend the earnest devotion of that little Oregon party in Congress for placing on record why the government should immediately assert exclusive jurisdiction within its own territory.

At the opening of the next session of Congress (December, 1824), President Monroe, in his annual message, thus invited the attention of Congress to Oregon: "In looking to the interests which the United States have on the Pacific Ocean, and on the western coast of this continent, the propriety of establishing a military post at the mouth of the Columbia river, or at some other point in that quarter within our acknowledged limits, is submitted to Congress. Our commerce and fisheries on that sea and along the coast have much increased, and are increasing. It is thought that a military post, to which our ships-of-war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes of the Northwest, with whom our trade is extensive. It is thought that, by the establishment of such a post, the intercourse between our western states and territories and the Pacific, and our trade with the tribes in the interior on each side of the Rocky Mountains, would be essentially promoted. To carry this object into effect, the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the corps of engineers, to explore the mouth of the Columbia river and the coast contiguous thereto, to be enabled to make such an establishment at the most suitable point, is recommended to Congress."

December 20, 1824, on motion of Mr. Floyd, the House resolved itself into Committee of the Whole, to consider the bill "for the occupation of the Columbia river." The speech of Mr. Floyd was a masterly vindication of American title to Oregon,—an able exhibit of its political, commercial and military importance to the United States. Mr. Poinsett, of South Carolina, thought the point for location should be left to the President, and submitted an amendment to that effect. Mr. Cook, of Illinois, moved the recommitment of the bill to the committee to whom the above portion of the President's message had been referred. This motion was opposed by Mr. Trimble of Kentucky, and lost by a decisive vote. Mr. Buchanan moved to strike out the section providing for the establishment of a port of entry, and extending the revenue laws over the territory, on the ground that it was an infringement of the convention of 1818. Mr. Gazlay, of Ohio, contended that the location of a port of entry could only involve the collection of duties from other foreign powers; that the treaty of 1818 would secure the admission of goods of British subjects free of duty. To all objections, Mr. Floyd, in explanation, referred to the provisions of the bill, which proposed to confer such powers only upon the President, when he might deem that the public good should require it. Mr. Taylor, of New York, desired the bill so amended as to conform to the President's plan of establishing a military post, but opposed any act looking to the formation of a territorial government. This could be accomplished by striking out all that authorized the appointment of governor, judges and other officers; and he made a motion to that effect. Mr. Smythe, of Virginia,

moved a further amendment by striking out the proposed name of the territory, and describe it as "the territory of the United States on the northwest coast of America." Mr. Taylor's amendment having been adopted, Mr. Floyd replied to his colleague (Mr. Smythe), when the latter modified his motion so as to strike out the section making grants of land to actual settlers. On the 23rd of December, the consideration of the bill was resumed; and on that day it passed by a triumphant vote of one hundred and thirteen to fifty-seven. The title of the bill was amended to read "to provide for occupying the Oregon river."

On the 25th of February, 1825, the Senate took up the bill "to provide for occupying the Columbia river." Mr. Benton moved an amendment, providing for an additional paymaster. The bill was then laid on the table. The next day the Senate resumed its consideration; and Mr. Barbour, of Virginia, ably urged its passage. Mr. Dickerson, of New Jersey, contended that it was a violation of the treaty of joint occupancy, which would not expire till 1828, until which time it would be highly improper to take possession of the territory by military force or establish therein a port of entry, or, indeed, to exercise any act of possession or occupation which we did not exercise in 1818, at the period of making the treaty. Mr. Dickerson moved to lay the bill upon the table, which prevailed by a vote of nineteen to seventeen. On the 1st of March, Mr. Hayne, of South Carolina, moved to take up the bill to afford Mr. Benton the opportunity to reply to Mr. Dickerson, agreeing that the bill should be postponed after Mr. Benton should conclude. Mr. Chandler, of Maine, opposed taking time to discuss a bill that there was no intention to pass. Mr. Hayne's motion, however, prevailed, and Mr. Benton made an exhaustive speech. In his "thirty-years' view," he thus sums up that unanswerable plea in behalf of the American Oregon:

"I do not argue the question of title on behalf of the United States, but only state it as founded upon: 1st. Discovery of the Columbia river by Captain Gray in 1792; 2nd. Purchase of Louisiana in 1803; 3rd. Discovery of the Columbia river, from its head to its mouth, by Lewis and Clark in 1805; 4th. Settlement of Astoria; 5th. Treaty with Spain in 1819; 6th. Contiguity and continuity of settlement and possession. Nor do I argue the question of the advantage of retaining the Columbia, and refusing to *divide* or *alienate* our territory upon it. I merely state them and leave their value to result from their enumeration: 1st. To keep out a foreign power; 2nd. To gain a seaport with a military and naval station on the coast of the Pacific; 3rd. To save the fur trade in that region, and prevent our Indians from being tampered with by British traders; 4th. To open a communication for commercial purposes between the Mississippi and the Pacific; 5th. To send the lights of science and religion into Eastern Asia."

Mr. Benton having concluded, the bill went to the table by the decisive vote of twenty-five ayes, fourteen noes.

President John Quincy Adams, in his first annual message to Congress (December, 1825), thus adverts to the northwest coast:

"Our coasts along many degrees of latitude upon the shores of the Pacific Ocean, though much frequented by our spirited commercial navigators, have rarely been visited by our public ships. The river of the West, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our national flag at its mouth. With the establishment of a military post there, or at some other point of that coast, recommended by my predecessor,

and already matured in the deliberation of the last Congress, I would suggest the expediency of a public ship for the exploration of the whole of the northwest continent."

On the 16th of December, 1825, the House passed a resolution introduced by Mr. Baylies, requesting the Secretary of the Navy to inform the House whether the sloop-of-war *Boston* might not be employed in exploring the northwest coast of America, its rivers and inlets, between the parallels of forty-two and forty-nine degrees north, without detriment to the naval service." On January 16, 1826, Mr. Baylies, chairman of the Select Committee, to whom had been referred the subject of establishing a military post at the mouth of the Columbia river, submitted an elaborate report in advocacy of immediate measures to secure the occupation of Oregon. On the 15th of May, he made a supplemental report from the same committee. No further action was taken by Congress during the session.

President John Quincy Adams, in his annual message, December 4, 1827, referring to the treaty of 1818, which had effected a temporary compromise of the respective claims to the territory westward of the Rocky Mountains, and which would expire by its own limitation October 20, 1828, advised Congress that, by the treaty of August, 1827, the joint-occupancy arrangement had been continued for an indefinite period, leaving each party the right to abrogate the same upon twelve months' notice.

During that session, Hall J. Kelly, of Massachusetts, representing an association of citizens who proposed emigration to Oregon, presented a petition to the House of Representatives, praying for a grant of lands and other protective legislation. John M. Bradford, of New Orleans, was the head of a similar association, composed of citizens of Louisiana. Albert Town and his associates, citizens of Ohio, constituted a similar organization. The people of the United States were beginning to agitate the occupancy of Oregon; and ably their representatives invoked the attention of Congress to those petitions. Those memorials and their subject-matters were referred to the Select Committee on Oregon Territory, of which Mr. Floyd was chairman. He reported a bill providing for military occupation of the territory, the extinguishment of the Indian title to the lands, the granting lands to actual settlers, and providing an appropriation for the exploration of the territory.

The bill was reached December 13, 1828, and occupied the House until the 9th of January, 1829. In that able debate, among the most zealous advocates of its passage, the record bears the names of Floyd of Virginia, Edward Everett of Massachusetts, Cambreleng of New York, Drayton of South Carolina, Richardson and Gurley of Louisiana. Of its equally zealous opponents, the chronicle is not less brilliant, embracing the names of Edward Bates of Missouri, Gorham of Massachusetts, Taylor of New York, Polk (afterwards President) and Mitchell of Tennessee. All concurred in the justice and validity of the claims of the United States; but the contention of the opponents of the bill was that its passage would be an infringement of the recently renewed Joint-Occupancy Treaty, and would endanger the peaceable relations of the two nations. Others suggested that reports regarding the territory were conflicting, and definite action should not be taken until explorations had furnished necessary reliable information. On the 9th of January, the Committee of the Whole were discharged from further consideration of the bill, and the House refused to order it to a third reading by a vote of ninety-nine to seventy-five. For a number of years, efforts in Congress to assert sole jurisdiction over Oregon Territory were not resumed.

Chapter XIX.

(1831–1844.)

Negotiations Resumed Between Great Britain and the United States—Résumé of Status of Claimants—Presidential Election, 1844.

DURING the administration of President Jackson, Edward Livingston, Secretary of State, in his instructions (August 31, 1831), to Martin Van Buren, Minister to London, revives the question of settlement of the Oregon boundary. Their tone indicates that the United States government was not averse to the occupancy of territory by British subjects, in common with American citizens. The assertion of claim is not accompanied with arrogance; but confidence in the title of the United States to the *whole* territory is strongly marked. After referring to the convention of 1827, which by its language is, "to give time to mature measures which shall have for their object a more definite settlement of the claims of each party," Mr. Livingston proceeds: "This subject, then, is open for discussion; and, until the rights of the parties can be settled by negotiation, ours can suffer nothing by delay." Masterly inactivity thus admitted to be the policy of the national government, nothing was accomplished under those instructions.

The next efforts to adjust the Oregon boundary were during the administration of President Tyler. The request came from Great Britain. Lord Aberdeen, on the 18th of October, 1842, addressed instructions to Henry S. Fox, British Minister at Washington, to invite the American Secretary of State "to move the President to furnish the United States Minister at the Court of London with such instructions as will enable him to enter upon the negotiation of this matter with such person as may be appointed by her Majesty for that object; and you will assure him that we are prepared to proceed to the consideration of it in a perfect spirit of fairness, and to adjust it on a basis of equitable compromise."

Those instructions were communicated to the State Department on the 15th of November, 1842. Daniel Webster, Secretary, answered on the 25th, "that the President concurred entirely in the expediency of making the question respecting the Oregon Territory a subject of immediate attention and negotiation between the two governments. He had already formed the purpose of expressing this opinion in his message to Congress, and, at no distant day, a communication will be made to the Minister of the United States in London."

This suspended for the time formal negotiations. Mr. Webster resigned as Secretary of State July 24, 1843, and was succeeded by Abel P. Upshur, who, October 9, 1843, addressed instructions to Edward Everett, American Minister at London. With the desire of compromise which actuated all his predecessors, Secretary Upshur said:

"The offer of the forty-ninth parallel of latitude, although it has once been rejected, may be again tendered, together with the right of navigating the Columbia river upon equitable terms. Beyond this, the President is not prepared to go. Nevertheless, you



HON. H. L. YESLER,

SEATTLE, W. T.

may propose or receive, subject to the approval of this government, any other terms of compromise which, in the progress of your discussions, may appear to promise satisfactory adjustment of this important question."

In February, 1844, Hon. Richard Pakenham, British Plenipotentiary, arrived in Washington with instructions to negotiate relative to the boundaries of the Oregon or Columbia Territory. On the 24th, he addressed a note to Secretary Upshur; their first conference took place on the 27th. On the next day, of gloomy memory, the explosion of the Paixhan gun on the United States steamer *Princeton*, caused the instant death of Secretary Upshur.

On the 6th of March, 1844, John C. Calhoun succeeded Secretary Upshur. Negotiations were resumed July 22d. Mr. Pakenham invited Mr. Calhoun's attention to the condition of the Oregon negotiation, so abruptly terminated by the death of his predecessor. Mr. Pakenham renewed the former British offer of the Columbia river boundary, with the addition, "to make free to the United States any port or ports which the United States might desire either on the mainland or on Vancouver Island, south of latitude forty-nine degrees."

This offer Mr. Calhoun declined September 3, 1844, "on the ground that it would have the effect of restricting the possessions of the United States to limits far more circumscribed than their claims clearly entitle them." After demonstrating the validity of claim in our own proper right to the region drained by the Columbia by priority of discovery, priority of exploration and priority of settlement, he adds: "To these we have added the claims of France and Spain. The former was obtained by the Treaty of Louisiana, ratified in 1803, and the latter by the Treaty of Florida, ratified in 1819. By the former, we acquired all the rights which France had to Louisiana, '*to the extent it now has (1803) in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into by Spain and other states.*' By the latter, his Catholic Majesty '*ceded to the United States all his rights, claims and pretensions*' to the country lying west of the Rocky Mountains, and north of a line drawn on the forty-second parallel of latitude, from a point on the south bank of the Arkansas, in that parallel to the South Sea, that is, to the whole region claimed by Spain west of those mountains, and north of that line.

"The cession of Louisiana gave us undisputed title west of the Mississippi, extending to the summit of the Rocky Mountains, and stretching south between that river and those mountains to the possessions of Spain, the line between which and ours was afterwards determined by the Treaty of Florida. It also added much to the strength of our title to the region beyond the Rocky Mountains, by restoring to us the important link of continuing westward to the Pacific, which had been surrendered by the treaty of 1763, as will hereafter be shown.

"That continuity furnishes a just ground for a claim of territory, in connection with those of discovery and occupation, would seem unquestionable. It is admitted by all that neither of them is limited by the precise spot discovered or occupied. It is evident that, in order to make either available, it must extend at least some distance beyond that actually discovered or occupied; but how far, as an exact question, is a matter of uncertainty. It is subject in each case to be influenced by a variety of circumstances. In the case of an island, it has been usually maintained in practice to extend the claim of discovery or occupation to the whole; so, likewise, in the case of a river, it has been usual to extend them to the entire region drained by it, more especially in cases of a discovery

and settlement at the mouth, and emphatically so when accompanied by exploration of the river and region through which it flows. Such, it is believed, may be affirmed to be the opinion and practice in such cases since the discovery of this continent. How far the claim of continuity may extend in other cases is less perfectly defined, and can be settled only by reference to circumstances attending each. When this continent was first discovered, Spain claimed the whole by virtue of a grant of the Pope; but a claim so extravagant and unreasonable was not acquiesced in by other countries, and could not long be maintained. Other nations, especially England and France, at an early period contested her claim. They fitted out voyages of discovery, and made settlements on the eastern coast of North America. They claimed for their settlements, usually, specific limits along the coasts or bays on which they were formed, and generally a region of corresponding width across the entire continent to the Pacific Ocean. *Such was the character of the limits assigned by England in the charters which she granted her former colonies, now the United States, when there was no special reason for varying from it.*

"How strong she regarded her claim conveyed by these charters, and extending westward of her settlements, the war between her and France, which was terminated by the Treaty of Paris, in 1763, furnishes a striking illustration. That great contest, which ended so gloriously for England, and effected so great and durable a change on this continent, commenced in a conflict between her claims and those of France, *resting on her side on this very right of continuity, extending westward from her settlements to the Pacific Ocean*, and on the part of France on the same right, but extending to the region drained by the Mississippi and its waters, on the ground of settlement and exploration. Their respective claims which led to the war first clashed on the Ohio river, the waters of which the colonial charters in their westward extension covered, but which France had been unquestionably the first to settle and explore. If the relative strength of these different claims may be tested by the result of that remarkable contest, *that of continuity* westward must be pronounced to be the stronger of the two. England has had at least the advantage of the result, *and would seem to be foreclosed against contesting the principle as against us, who contributed so much to that result, and on whom that contest and her example and pretensions*, from the first settlement of our country, have contributed to impress it so deeply and indelibly.

"By the treaty of 1763, which terminated that memorable and eventful struggle, yielded, as has been stated, the claims and all the chartered rights of the colonies beyond the Mississippi. The seventh article establishes that river as the permanent boundary between the possessions of Great Britain and France on this continent. So much as relates to the subject is in the following words: '*The confines between the dominions of his Britannic Majesty and that part of the world (the continent of America) shall be fixed irrevocably by a line drawn along the middle of the river Mississippi from its source to the river Iberville; and from thence by a line drawn along the middle of this river* and the Lakes Maurepas and Pontchartrain to the sea, etc.'

"This important stipulation, which thus establishes the Mississippi as the line '*fixed irrevocably*' between the dominions of the two countries on this continent, in effect extinguishes, in favor of France, whatever claims Great Britain may have had to the region lying west of the Mississippi. It of course could not affect the rights of Spain, the only other nation which had any pretense of claim west of that river; *but it prevented the right of continuity*, previously claimed by Great Britain, from extending beyond it, and transferred it to France. The Treaty of Louisiana restored and vested in the United

States all the claims acquired by France, and surrendered by Great Britain under the provisions of that treaty, to the country west of the Mississippi, *and among others the one in question*. Certain it is that France had the same right of continuity, in virtue of her possession of Louisiana, and the extinguishment of the right of England by the treaty of 1763, to the whole country west of the Rocky Mountains, and lying west of Louisiana, as against Spain, which England had to the country westward of the Alleghany Mountains, as against France, with this difference, that Spain had nothing to oppose to the claim of France at the time but the right of discovery, and even that England has since denied; while France had opposed to the right of England, in her case, that of discovery, exploration and settlement. It is, therefore, not at all surprising that France should claim the country west of the Rocky Mountains (as may be inferred from maps) on the same principle that Great Britain had claimed and dispossessed her of the region west of the Alleghanies; or that the United States, as soon as they had acquired the right of France, should assert the same claim, and take measures immediately after to explore it, with a view to occupation and settlement. But since then we have strengthened our title by adding to our own proper claims and those of France the claims also of Spain, by the Treaty of Florida, as has been stated."

Mr. Calhoun proceeds to notice Spanish discoveries and their extent, contrasting them with cited English voyages, adding "that they (the Spanish navigators named) discovered and explored not only the entire coast of what is now called the Oregon Territory, but still further north, are facts too well established to be controverted at this day. But," says Mr. Calhoun, "it has been objected that we claim under various and conflicting titles, which mutually destroy each other. Such might indeed be the fact while they are held by different parties; but since we have rightly acquired both those of Spain and France, and concentrated the whole in our hands, they mutually blend with each other and form one strong and connected chain of title against the opposing claims of all others, including Great Britain."

This able and lucid state paper then dwells at length on the restoration of Astoria in 1818, refers to previous negotiations, and closes by referring to the claim of continuity, constantly gaining strength as time progresses, by the western states pouring their tide of emigration into the valley of the Columbia.

Sir R. Pakenham answered, on the 12th of September: "To the observations of the American Plenipotentiary respecting the effect of continuity to furnish a claim to territory, the undersigned has not failed to pay due attention; but he submits that what is said on this head may more properly be considered as demonstrating the greater degree of interest which the United States possess by reason of contiguity, in acquiring territory in that direction, than as affecting in any way the question of right."

In regard to the Spanish claim, Mr. Pakenham observes:

"It must, indeed, be acknowledged that, by the treaty of 1819, Spain did convey to the United States all that she had the power to dispose of on the northwest coast of America, north of the forty-second parallel of latitude; but she could not, by that transaction, annul or invalidate the rights which she had, by a previous transaction, acknowledged to belong to another power. By the treaty of October 28, 1790 (Nootka Convention), Spain acknowledged in Great Britain certain rights in respect to those parts of the western coast not already occupied. This acknowledgment had reference especially to the territory which forms the subject of the present negotiation. If Spain could not make good her own right to exclusive dominion over those regions, still less could she

confer such a right on another power; and hence Great Britain argues that, from nothing deduced from the treaty of 1819 (Florida Treaty), can the United States assert a valid claim to exclusive dominion over any part of the Oregon Territory."

Mr. Pakenham thus labors the claim of Heceta and Captain Gray as to priority of discovery; and this aptly illustrates the whole dispatch:

"To one and to one only of these commanders can be conceded the merit of discovery. If Heceta's claim is acknowledged, then Captain Gray is no longer the discoverer of the Columbia river. If, on the other hand, preference is given to the achievement of Captain Gray, then Heceta's discovery ceases to be of any value. But it is argued that the United States represent both titles, the title of Heceta and the title of Gray; and, therefore, that under one or the other, it matters not which, enough can be shown to establish a case of prior discovery as against Great Britain. This may be true as far as relates to the act of the first seeing and first entering the mouth of the Columbia river; but if the Spanish claim to prior discovery is to prevail, whatever rights may thereon be founded are necessarily restricted by the stipulations of the treaty of 1790, which forbid a claim to exclusive possession.

"If the act of Captain Gray, in passing the bar and actually entering the river, is to supersede the discovery of the entrance, which is all that is to be attributed to Heceta, then the principle of progression or gradual discovery being admitted as conveying, in proportion to the extent of discovery or exploration, superior rights, *the operations of Vancouver in entering, surveying and exploring, to a considerable distance inland, the river Columbia, would, as a necessary consequence, supersede the discovery of Captain Gray, to say nothing of the act of taking possession in the name of his sovereign, which ceremony was duly performed and authentically recorded by Captain Vancouver.*"

The British Plenipotentiary then ingeniously arrays the more thorough surveys and commercial enterprises of English navigators against the voyages of Spanish officers, the voyage of Mackenzie across the continent against the expedition of Lewis and Clark, and attempts to avoid the consequence of the restitution of Astoria in 1818. He then presents his view of the attitude of the question in the following bold and arrogant language:

"In fine, the present state of the question between the two governments appears to be this: Great Britain possesses, and exercises in common with the United States, a right of joint occupancy of the Oregon Territory, of which right she can be divested with respect to any part of the territory only by an equitable partition of the whole between the two powers. It is for obvious reasons desirable that such a partition should take place as soon as possible; and the difficulty appears to be in devising a line of demarkation which shall leave to each party that precise part of the territory best suited to its interests and convenience."

Mr. Pakenham then justifies the British proposal of the Columbia river boundary:

"As regards extent of territory, they would obtain acre for acre nearly half of the entire territory divided. As relates to the navigation of the principal river, they would enjoy a perfect equality of rights with Great Britain; and, in respect to its harbors, it would be seen that Great Britain shows every disposition to consult their convenience in that particular. On the other hand, were Great Britain to abandon the line of the Columbia river as a frontier, and to surrender her rights to the navigation of that river, the prejudice occasioned to her by such arrangement would, *beyond all proportion*, exceed the advantage accruing to the United States from the possession of a few more square



WILLIAM SAVAGE,
SHERIDAN, OR.



A. L. ALDERMAN,
DAYTON, OR.



HON. JOHN KELLY,
SPRINGFIELD, OR.



J. L. STOUT,
ILWACO, W.T.



GEO. HERRALL,
PORTLAND, OR.

miles of territory. It must be obvious to every impartial investigator of the subject that, in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition with reference to extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made in an arrangement professing to be based on considerations of mutual convenience and advantage."

This admirable document, exhibiting so fearlessly how Great Britain progresses in her determined mission, "by considerations of utility, not to say necessity," to preserve to herself the elements of future wealth and grandeur, and at the same time an entire change of front in regard to British claim to Oregon, closes with the request that Mr. Calhoun will state the extent of the claims of the United States, and what proposal he has to offer for the adjustment of the controversy.

Mr. Calhoun answers, September 20, 1844, in that terseness of style and perspicuity of expression for which the great Carolinian was so pre-eminent:

"The undersigned does not understand the counter-statement as denying that the Spanish navigators were the first to discover and explore the entire coasts of the Oregon Territory; nor that Heceta was the first who discovered the mouth of the Columbia river; nor that Captain Gray was the first to pass the bar, enter its mouth and sail up its stream; nor that these, if jointly held by the United States, would give them the priority of discovery which they claim. On the contrary, it would seem that the counter-statement, from the ground it takes, admits that such would be the case on that supposition; for it assumes that Spain, in the Nootka Sound Convention, in 1790, divested herself of all claim to the territory founded on the prior discovery and explorations of her navigators, and that she could, consequently, transfer none to the United States by the Treaty of Florida. Having put aside the claims of Spain by this assumption, the counter-statement next attempts to oppose the claims of the United States, by those founded on the voyages of Captains Cook and Meares, and to supersede the discovery of Captain Gray, on the ground that Vancouver sailed farther up the Columbia river than he did, although he effected it by Captain Gray's discoveries and charts. It will not be expected of the undersigned that he should seriously undertake to repel what he is constrained to regard as a mere assumption, unsustained by any reason. It is sufficient on his part to say that, in his opinion, there is nothing in the Nootka Sound Convention, or in the transactions which led to it, or in the circumstances attending it, to warrant the assumption. The convention relates wholly to other subjects, and contains not a word in reference to the claim of Spain. It is on this assumption that the counter-statement rests its objection to the well-founded American claim to priority of discovery. Without it there would not be a plausible objection left to them."

Mr. Calhoun follows with an examination of the counter-statement in detail, and thus disposes of Mr. Pakenham's *innuendo* against the claim of continuity as urged by the United States:

"The counter-statement intimates an objection to continuity as the foundation of a right on the ground that it may more properly be considered (to use its own words) as demonstrating the greater degree of interest which the United States possessed, by reason of contiguity, in acquiring territory in a westward direction. Contiguity may, indeed, be regarded as one of the elements constituting the right of continuity, which is more comprehensive, and necessarily associated with the right of occupancy, as has been shown in previous statement (September 3d). It also shows that the laws which usage has

established in the application of the right to this continent give to the European settlements on its eastern coasts an indefinite extension westward. It is now too late for Great Britain to deny a right on which she has acted so long, and by which she has profited so much, or to regard it as a mere facility, not affecting in any way the question of right. On what other right has she extended her claims westwardly to the Pacific Ocean from her settlements around Hudson's Bay, or expelled France from the east side of the Missisippi river, in the war which terminated in 1763?"

He thus deals with the argument of Mr. Pakenham, that the Nootka Sound Convention affected the *status* of Louisiana, while that province was a Spanish possession:

"As to assumption of the counter-statement, that Louisiana, while in the possession of Spain, became subject to the Nootka Sound Convention, which, it is alleged, abrogated all the claims of Spain to the territory, including those acquired with Louisiana, it will be time enough to consider it after it shall be attempted to be shown that such in reality was the effect. In the meantime, the United States must continue to believe that they acquired from France, by the Treaty of Louisiana, important and substantial claims to the territory."

The United States' negotiator closes this document by joining issue with the British Plenipotentiary. With what remarkable clearness he exhibits what had now become the Oregon controversy!

"The undersigned cannot consent to the conclusion to which, on a review of the whole ground, the counter-statement arrives,—that the present state of the question is, that Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon Territory, of which she can be divested only by an equitable partition of the whole between the two powers. He claims, and he thinks he has shown, a clear title on the part of the United States to the whole region drained by the Columbia, with the right of being reinstated and considered the party in possession while treating of the title, in which character he must insist on their being considered in conformity with positive treaty stipulations. He cannot, therefore, consent that they shall be regarded during the negotiation merely as occupants in common with Great Britain. Nor can he, while thus regarding their rights, present a counter-proposal based on the supposition of a joint occupancy merely until the question of title to the territory is fully discussed. It is, in his opinion, only after such a discussion, which shall fully present the titles of the parties respectively to the territory, that their claims to it can be fairly and satisfactorily adjusted. The United States desire only what they may deem themselves justly entitled to, and are unwilling to take less."

In response to the invitation of Mr. Pakenham, that Mr. Calhoun should define the United States' claims to other portions of the territory, beyond the regions drained by the Columbia, he answers:

"They are derived from Spain by the Florida Treaty, and are founded on the discoveries and explorations of her navigators, and which they must regard as giving them a right to the extent to which they can be established, unless a better can be opposed."

This conclusive reply of Mr. Calhoun's terminated the correspondence. On the 24th of September, the last conference was held, at which Mr. Pakenham noted the following protest:

"That, reserving for future occasions such observations as he might wish to present by way of explanation, in reply to the statement last presented by the American Plenipotentiary, he was for the present obliged to declare, with reference to the concluding

part of that statement, that *he did not feel authorized to enter into discussion respecting the territory north of the forty-ninth parallel of latitude, which was understood by the British government to form the basis of negotiation on the side of the United States, as the line of the Columbia formed that of Great Britain.* That the proposal which he had presented was offered by Great Britain as an honorable compromise of the claims and pretensions of both parties; and that it would of course be understood as having been made subject to the condition recorded in the protocol of the third conference held between the respective Plenipotentiaries in London, December, 1826."

After this illustration of British diplomacy,—to reserve the territory north of forty-nine degrees, and offer to negotiate for the remainder, and that too as the consideration of withdrawing from what she was willing to concede to the United States,—this exhibition of her "perfect spirit of fairness," her "basis of equitable compromise," upon which Lord Aberdeen invited Mr. Webster, while Secretary of State, to a renewal of negotiations, how eminently just was the remark, shortly afterwards made by him as a Senator of the United States: "He did not believe that Great Britain had any just right to any part of the country not tributary to the waters of the Hudson's Bay, and that side of the continent. All her pretended right was founded on the encroachments of the Hudson's Bay Company, and the usurpations, spoliations and diplomatic trickery of her government."

The Oregon question had as materially changed in another feature. Indifference had heretofore marked the actions of the American government and people. It now became a matter of national concern. The arena of its discussion had become vastly enlarged. No longer confined to the negotiations between diplomatic representatives of the respective governments, it had become the leading topic in the United States Congress and British Parliament. On the stump, orators maintained our title to the whole of Oregon, and protested against compromise. The people of each nation held up their hands in support of their respective governments. The question had arrived at its crisis; settlement or rupture could not much longer be delayed. Such was the change in the *surroundings* of the question. The gist of the controversy had been alike transformed. England, from a passive or negative position, had assumed the aggressive. No longer restricting herself to questioning or denying the claims of the United States, and claiming herself to be in joint possession of the whole territory by force of a right to some portion, she stood upon an exclusive right to the territory north of forty-nine degrees, and was ready to negotiate for the region south of that parallel bounded south and east by the Columbia river. True, even now she pretended to no greater affirmative right than when the controversy originated; but her more persistent denial of her rival's claims practically amounted to an assertion of exclusive right in herself. Her rights were of that nature that she could not abandon an occupancy extending throughout the territory, without the portion she wanted was segregated and set apart for her sole enjoyment.

History may admire the wisdom which prompted the desire to acquire and maintain a foothold upon the Pacific Ocean. Future generations may learn, that boldness of pretensions and pertinacity in maintaining them are links of vast importance in claim to territory. But it will, nevertheless, appear that Great Britain solemnly renounced, in 1763, all claim in America to territory westward of the Mississippi river; that the voyages of British navigators to any portion of the northwest coast of America, subsequent to that date, conferred no legitimate claim to any part of the coast, by right of discovery or settlement; that Spain yielded to Great Britain no territorial rights by the Nootka Sound

Convention of 1790; that, although the right was conceded to make settlements in unoccupied territory north of the line of actual Spanish settlements, Great Britain had renounced whatever rights she had thus secured by the two conventions with the United States of 1818 and 1827: 1st. By that of 1818, in covenanting not to do any act to the prejudice of the United States, *or any other nation;* 2d. By that of 1827, as the United States had then succeeded to Spain, by renewing that stipulation; 3d. By the omission of the word *settlements* in both of said conventions, which can only be construed as evidencing the fact that Great Britain herself did not believe that her pretensions to the territory derived any strength whatever from the Nootka Sound Convention; and if she so regarded it, then it was a formal and final renunciation of claim. That, apart from the fact that the forty-ninth parallel had been fixed as the north boundary of the Louisiana Purchase, in accordance with the supposed intent and meaning of the Treaty of Utrecht, there is not another act or fact, connected with the history of the Pacific coast, or of the territory abutting upon it, which attaches any *exclusiveness* of claim as connected with said forty-ninth parallel. True, that line as a boundary had been offered time and again; but the wherefore, except as a compromise, cannot be deduced from the history of discoveries, explorations or settlements made upon the coast or within the territory west of the Rocky Mountains.



A.M.CANNON ESQ.
SPOKANE FALLS,W.T.

Chapter XX.

(1835–1846.)

Congressional and Executive Action — The Oregon Question an Element of American Politics — Presidential Election, 1844 — The Treaty of Limits, June 15, 1846.

While the American government was working up to the determination to assert sole occupancy of whatever right of territory it possessed in Oregon, emigrants from the United States had been settling in the territory; and the leaven of healthy Americanization was duly at work within its borders. Each of the processes of converting Oregon from a possession of British trading companies to a territory of the United States has its distinct history. Knowledge acquired from parties who had visited, traveled in, or were residents of, the territory, enabled Executive departments and members of Congress to act and speak more advisedly. So, also, did information embodied in congressional reports and speeches serve to bring the country into notice, and prove a stimulus to emigration. Senators and Representatives, imploring the government to do its duty and take immediate steps to maintain its territorial rights, must have had a powerful effect in creating the belief, by every American settler, that his government would ultimately adopt measures to guarantee protection. The Federal government was slow in arriving at its conclusion; yet the validity of American claim had always been maintained. In the negotiations during the protracted struggle, it was a source of proud satisfaction that the United States negotiators had always held the advantage. The real cloud to be removed was ignorance of the value and importance of the country. Apathy existed, engendered by the feeling that the region was so remote, so inaccessible; for that reason alone the opinion had been readily adopted that the country was not worth contending for. Ignorance of its resources, and failure to appreciate the future importance of the Pacific slope; the remoteness of Oregon from the seat of government, and the then centers of population and American power; the vast quantity of unoccupied land lying between; the belief that the Rocky Mountains were an insurmountable obstacle to the land transit of the continent, constituting a line which must effectually divide settlements on the western slope from those on the eastern,—the poet's thought had been accepted as a truism: "Mountains interposed make enemies of nations, who had else, like kindred drops, been mingled into one."

All these, and more especially repugnance to a contest with Great Britain, combined to prolong the controversy, and afforded that nation the opportunity of securing a foothold within the territory, most difficult to remove. There were, however, acts of government, revivals of efforts in Congress to relieve this pathway to American occupancy of Oregon, of its seeming indifference. Here and there a champion was found to plead the cause of the American Oregon. Now and then some resolution was introduced provoking discussion, in which manly claims were asserted, and which tended to create the

belief that the United States did intend at some time to assert sole jurisdiction over Oregon. These occurrences, 'tis true, were "few and far between;" the aggregation of them will be presented in this chapter.

In the latter part of 1835 (November 11), President Jackson appointed William A. Slacum, United States Navy, special agent to visit Oregon Territory to examine into its political, physical and geographical condition. His duty was "to stop at different settlements of Whites on the coast of the United States, and on the banks of the Columbia river, and also at the various Indian villages on the banks, or in the immediate neighborhood of that river; ascertain as near as possible the population of each; the relative number of Whites (distinguishing the nation to which they belong) and aborigines; the jurisdiction the Whites acknowledged; the sentiments entertained by all in respect to the United States, and to European powers having possessions in that region; and generally to endeavor to obtain all such information, political, physical, statistical and geographical, as may prove useful to the government."

The result of Mr. Slacum's observations was embodied in a memorial to Congress on the 18th of December, 1837.

At the second session of the twenty-fifth Congress, 1837–8, the Oregon question was revived. In the Senate, Lewis F. Linn, of Missouri, and, in the House, Caleb Cushing, of Massachusetts, ably and earnestly labored for the Americanization of Oregon. Mr. Linn introduced a bill on the 7th of February (1838), establishing a territory north of latitude forty-two degrees north, and west of the Rocky Mountains, to be called Oregon Territory. It provided for the erecting of a fort at the mouth of the Columbia, and the occupancy of the territory by United States troops. A port of entry was located; and the revenue laws were to be extended over the territory. Fifty thousand dollars were to be appropriated to carry into effect the provisions of the bill. Mr. Linn moved its reference to the Committee on Military Affairs. After some discussion, in which Senators Clay, Buchanan and Benton participated, on motion of the latter it was referred to a select Committee of five, with Mr. Linn as chairman. The Vice-President filled the committee by appointing William C. Preston of South Carolina, Robert J. Walker of Mississippi, Franklin Pierce of New Hampshire, and Garret D. Wall of New Jersey.

On the 13th of February, on motion of Mr. Linn, the Secretary of War was requested to furnish all information in possession of the department relating to Oregon Territory, and cause a map to be made of all the country claimed by the United States on the western slope of the Rocky Mountains to the Pacific Ocean.

On the 25th of May, Mr. Linn reported the bill with amendments, and presented an elaborate report, accompanied with valuable statistics, giving a truthful picture of the territory, a thorough vindication of the claim of the United States, and unanswerable reasons why the government should not further delay in the settlement of the controversy.

While these proceedings were being consummated in the Senate, Mr. Cushing introduced the subject in the House of Representatives, offering a resolution, March 17, 1838, calling upon the President for information relative to the subjects of officers of any foreign government intermeddling with the Indian tribes in Michigan, Wisconsin and the territory beyond the Rocky Mountains, or elsewhere within the limits of the United States, by the supply of munitions of war, the distribution of gratuities or pensions, or otherwise; and likewise all correspondence, in regard to the title and occupation of the territory of the United States beyond the Rocky Mountains.

On the 3rd of May, President Van Buren transmitted to the House a report from the Secretary of State, embodying the correspondence in regard to the title and occupation of the territory. On the 17th, Mr. Cushing moved the reference of the message to the Committee on Foreign Affairs, with instructions to inquire into the expediency of establishing a post on the Columbia river for the defense and occupation of the territory of the United States watered by said river, and of provision by law to prevent any intermeddling by subjects of any foreign power with Indians of the territory. In support of the motion, Mr. Cushing addressed the House that day, concluding his remarks on the 22d. Mr. Howard, of Maryland, chairman of the Committee on Foreign Affairs, replied to Mr. Cushing. Mr. Elmore, of South Carolina, moved to amend the resolution, directing the committee to inquire into the extent of the country claimed, the title under which it is claimed, and the evidence of the correctness of title, the extent of seacoast, the number and description of harbors, nature of climate, soil, productions and trade, and whether it is expedient to establish a territorial government, or one or more military posts, with the expense thereof. Mr. Elmore expressing a desire to speak to his motion, the House adjourned. Upon the next day he yielded the floor, and the resolution, as proposed by Mr. Cushing, was adopted. This concluded all legislation in regard to Oregon that session.

By act of Congress, approved March 14, 1836, the President had been authorized to send out an exploring expedition to the Pacific Ocean and the South Seas. On the 20th of March, 1838, Lieutenant Charles Wilkes was assigned to command. The sloops-of-war *Vincennes* and *Peacock*, the ship *Relief*, brig *Porpoise*, and tenders *Sea Gull* and *Flying Fish*, were placed under his orders. On the 11th of August, 1838, Secretary Paulding issued instructions to Lieutenant Wilkes, which, having designated where he should cruise until his arrival at the Sandwich Islands, orders: "Thence you will direct your course to the northwest coast of America, making such surveys and examinations, first of the territory of the United States on the seaboard of the Columbia river, and afterwards along the coast of California, with special reference to the Bay of San Francisco, as you can accomplish by the month of October following your arrival." On the 17th of August, that year, the exploring squadron sailed from Hampton Roads. At the next session of Congress, Mr. Linn (December 11, 1838), introduced in the Senate a bill "to authorize the occupation of the Columbia or Oregon Territory," which was referred to a Select Committee, consisting of Mr. Linn, John C. Calhoun, Henry Clay, Robert J. Walker and Franklin Pierce. In the House of Representatives, Mr. Cushing, from the Committee on Foreign Affairs, submitted an elaborate report, in which the American title is exhaustively maintained, the importance of the country demonstrated, and the policy of Great Britain, operating through the Hudson's Bay Company, to acquire the sole occupancy of the territory and control of the Indian population, thoroughly exposed. A bill accompanied, directing the President to employ such portion of the army and navy as he deemed necessary for the protection of the citizens of the United States who resided in the territory of Oregon, or are employed in commerce on the Columbia river, or its tributaries, or upon the adjacent coasts.

On the 28th of January, 1838, Mr. Linn presented in the Senate the first petition from American settlers in Oregon, signed by J. S. Whitcom and thirty-five others residing south of the Columbia river, praying Congress to extend protection to their settlements and to embrace Oregon within Federal jurisdiction. On the 22d of February, Mr. Linn addressed the Senate in favor of his bill (introduced at the previous session). Some

Senators suggested that its passage during the pendency of negotiations with Great Britain on the northeast boundary might by the latter government be regarded as an unfriendly act tending to embarrass the negotiations; and the bill and petition were referred to the Committee on Foreign Relations.

At the next session, Mr. Linn introduced (December 18, 1839) joint resolutions upon the Oregon question, which were referred to a Select Committee, of which he was appointed chairman. On the 31st of March, 1840, he reported substitute resolutions, authorizing the President to adopt such measures as would secure protection to the persons and property of citizens of the United States residing in Oregon, and to erect a line of military posts from Fort Leavenworth to the Rocky Mountains. They also provided that, after the adjustment of the boundaries between Great Britain and the United States, one thousand acres should be donated to each White inhabitant over eighteen years of age, and that an Indian agent should be appointed for the territory.

On the 28th of April, 1840, Senator Linn introduced a bill "to extend certain portions of laws of the United States over the territory." But the Senate closed its session without coming to a vote on either of Mr. Linn's proposed measures. On the 8th of January, 1841 (twenty-sixth Congress, second session), Mr. Linn introduced a resolution authorizing the President to take measures to secure the occupation and settlement of Oregon Territory, and for extending over it certain laws of the United States.

At the extra session (first session, twenty-seventh Congress), Mr. Linn, August 2d, introduced a resolution requesting the President to give the twelve months' notice to Great Britain (as required by the treaty of 1827) of the termination of the convention permitting a joint occupancy of the territory west of the Rocky Mountains. By consent of Mr. Linn, the resolution was so modified as to direct the Committee on Foreign Relations to inquire into the expediency of making such a request of the President. The committee never reported. At the second session of this Congress, Mr. Linn introduced a bill (December 16, 1841), the preamble of which recited: "Whereas, the title of the United States to the territory of Oregon is certain and will not be abandoned." This bill, like its predecessors, looked to the assertion of sovereignty over Oregon, the establishment of a line of posts from the Missouri river to the best pass for entering the valley of the Oregon, and also a fort at or near the mouth of the Columbia river. It provided for a grant of a section of land to each settler, and the appointment of two Indian agents. The laws of Iowa were to be in force in the territory; with the proviso that, if an offender were a British subject, he was to be delivered to the British authorities. Two additional justices of the Supreme Court of Iowa were provided in consequence of the enlarged jurisdiction. The office of justice of the peace was created, and jurisdiction defined. The Select Committee unanimously recommended the passage of the bill. Before its consideration had been reached, Lord Ashburton, special ambassador, charged with negotiating certain matters of difference between the two countries, arrived. It was generally supposed that the Oregon boundary was among the questions for settlement; hence further action was suspended in Congress. The Ashburton-Webster negotiations did not include adjustment of the Oregon boundary, and terminated with the treaty of August, 1842, generally remembered as the Ashburton Treaty.

Early in the spring of 1842, the Indian Bureau appointed Dr. Elijah White, of Oregon, sub Indian agent of the territory west of the Rocky Mountains.

The United States exploring expedition, commanded by Lieutenant Charles Wilkes, spent the summer months of 1841 in surveying the Columbia river, the bays and harbors



N. A. EBERMAN,

SEASIDE, OR.

of Puget Sound, and making explorations of the country. In 1842, Lieutenant J. C. Frémont, United States Army, by order of the Topographical Bureau, examined the country westward from the Missouri frontier to the South Pass of the Rocky Mountains. In 1843, Frémont went to the Columbia river, connecting his work of 1842 with the survey of Lieutenant Wilkes. Those overland expeditions were of value, in their effect upon the popular mind, vastly beyond any information furnished to the country and the routes thereto. They served to verify what trappers and missionaries had years before made known. Their great importance, however, was a realization of the hope that the government was about to assert jurisdiction; that it was growing alive to its duty of protecting the emigrant and encouraging settlement.

Doubt no longer remained that Oregon was to be settled by a population from the United States. At this period the scene was about to change. The Oregon question had become a theme of popular discussion. Oregon settlement had become a matter of popular interest. Now is heard

> "The tread of pioneers
> Of nations yet to be;
> The first low wash of waves, where soon
> Shall roll a human sea."

On two occasions, the government had yielded to Great Britain opportunity of maturing and manufacturing claim by admission of a joint occupancy of the territory. But henceforward the actual presence of settlers from the United States within the territory is the assurance that the transition has commenced; that Oregon has passed through her middle age. She is about to shake off the worse than feudal bonds which have retarded her career. She is to be transformed from a mere hunting park and dependency, held by the Hudson's Bay Company, attorney-in-fact of Great Britain. She is to become an American territory; to be dedicated to American settlement; to become an integral portion of the American Union. Within the limits of the territory, "governments are to be founded on the natural authority of the people."

Still the government continued inactive; but the people responded to the distant voice from Oregon. Throughout the nation, emigration societies were formed to people that territory. Those associations agitated the public mind as to the importance of Oregon. Petitions to Congress invoked governmental action. State legislatures passed memorials, and instructed their Senators and Representatives in Congress. The American element in Oregon breathed out its eloquent appeal that it might be fostered and guaranteed protection. Interest in Oregon had become national. The voice of the people was giving its mandate to the government, to abandon the policy of "masterly inactivity," and reclaim its own. The first effort of the American settlers (in 1841) to form a provisional government had been unattended with success. The influence of the Hudson's Bay Company, the Roman Catholic mission, and the advice of Lieutenant Wilkes, delayed the effort; yet the attempt provoked the attention of the people of the United States. In 1842, a numerous emigration crossed the plains and arrived in Oregon.

On the 7th of December, 1842, President Tyler's annual message, having commented on the relations of the government with Great Britain as satisfactorily changed by the ratification of the Ashburton Treaty, thus refers to Oregon:

"It would have furnished additional cause for congratulation if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two governments. The territory of the United States commonly called Oregon Territory,

lying on the Pacific Ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens; and the tide of population, which has reclaimed what was so lately an unbroken wilderness in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky Mountains to the Pacific Ocean. In advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments to settle their respective claims. It became manifest at an early hour of the late negotiations that any attempt, for the time being, satisfactorily to determine these rights, would lead to a protracted discussion, which might embrace in its failure *other more pressing matters;* and the Executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, *not so immediately* pressing, stood in the way. Although the difficulty referred to may not, for several years to come, involve the peace of the two countries, yet I shall not delay to urge on Great Britain the importance of its early settlement."

Some Senators thought differently. Mr. Linn urged that the action of the government in reclaiming Oregon was "immediately pressing." On the 21st of December, 1842, he introduced in the Senate a resolution, "that the President be requested to inform the Senate of the nature and extent of the informal communications" which took place between the American Secretary of State (Daniel Webster) and the British special Minister (Lord Ashburton) on the "subject of the claims of the United States and Great Britain to the territory west of the Rocky Mountains" and also the reasons which prevented any agreement, and which made it inexpedient to include that subject among the subjects of formal negotiation. The resolution was adopted. On the 19th, he had introduced a bill to authorize the adoption of measures for the occupation and settlement of the territory, with similar provisions to bills previously introduced. It was referred to a Select Committee, consisting of Messrs. Linn, Walker, Sevier, Merrick and Phelps. On the 21st of December, the committee unanimously recommended its passage. After protracted debate, the bill passed February 6, 1843, by a vote of twenty-four ayes, twenty-two noes.

Reported to the House, it was referred to the Committee on Foreign Affairs. Mr. Reynolds of Illinois, on the 9th of February, 1843, reported from the Select Committee on Oregon Territory a bill of similar provisions to the Senate bill, which was also referred to the Committee on Foreign Affairs. John Quincy Adams, chairman of that committee, reported adversely to the passage of the bill, on the ground that the government had precluded itself from taking any step towards the occupancy of the territory until the twelve months' notice had been given to Great Britain, as provided in the convention of 1827. That report disposed of the bill in the House for that session.

The passage of the "Linn bill" was among the last of the persistent efforts of Dr. Lewis F. Linn, the devoted champion of the American Oregon. He died October 3, 1843, at his residence in St. Genevieve, Missouri. Those who dwell with interest upon the history of the great Northwest, who linger with pride as they recall the efforts of American statesmen to develop the nation and extend the blessings of free institutions, constitutional liberty, and the rights of mankind, will read with grateful satisfaction the merited tribute to the memory of this father of American Oregon by his illustrious colleague, Thomas H. Benton. Says he:

"But how can I omit the last great act, as yet unfinished, in which his whole soul was engaged at the time of his death. The bill for the occupation and settlement of Oregon was his; and he carried it through the Senate when his colleague, who now addresses you, could not have done it. There is another historical truth fit to be made known on this occasion, and which it is declared to this large and respectable assembly under all the circumstances which impart solemnity to the declaration. He carried that bill through the Senate; and it was the measure of a statesman. Just to the settler, it was wise to the government. Alas! that he should not have been spared to put the finishing hand to a measure which was to reward the emigrant, to protect his country, to curb England, and to connect his own name with the foundation of an empire. But it is done. The unfinished work will go on; it will be completed, and the name of Linn will not be forgotten. That name will live and be connected with Oregon while its banks bear a plant, or its waters roll a wave."

At the commencement of 1843–4, President Tyler thus invokes the attention of Congress to Oregon:

"The territorial limits of the two countries (Great Britain and the United States) in relation to what is commonly known as Oregon Territory, still remain in dispute. The United States would at all times be indisposed to aggrandize themselves at the expense of any other nation; but, while they would be restrained by principles of honor,—which should govern the conduct of nations as well as individuals,—from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights. After the most rigid, and, as far as practicable, unbiased examination of the subject, the United States have always contended that their rights appertain to the entire region of country lying on the Pacific, and embraced within forty-two degrees and fifty-four degrees, forty minutes of north latitude. This claim being controverted by Great Britain, those who have preceded the present Executive, actuated no doubt by an earnest desire to adjust the matter upon terms mutually satisfactory to both countries, have caused to be submitted to the British government proposals for settlement and final adjustment, which, however, have not proved heretofore acceptable to it.

"Our Minister at London has, under instructions, again brought that subject to the consideration of that government; and, while nothing will be done to compromise the rights or honor of the United States, every proper expedient will be resorted to in order to bring the negotiation now in progress of resumption to a speedy and happy termination. In the meantime, it is proper to remark that many of our citizens are either already established in that territory, or are on their way thither for the purpose of forming perfect settlements, while others are preparing to follow. And, in view of these facts, I must repeat the recommendation contained in previous messages, for the establishment of military posts at such places on the line of travel as will furnish security and protection to our hardy adventurers against hostile tribes of Indians inhabiting those extensive regions. Our laws should also follow them, so modified as the circumstances of the case seem to require. Under the influence of our free system of government, new republics are destined to spring up at no distant day on the shores of the Pacific, similar in policy and feeling to those existing on this side of the Rocky Mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty."

At the session of Congress 1843–4, memorials, petitions and resolutions of state legislatures and popular assemblages in all portions of the Union flooded in upon Congress. Acts providing for the immediate resumption of the claim of the United States

to the whole of Oregon, and to give notice to Great Britain of the termination of the convention of 1827, were introduced and discussed. During the recess of Congress, the Presidential election transpired. The Democratic National Convention in its platform declared: "Our title to the whole of Oregon is clear and unquestionable. No portion of the same ought to be ceded to England or any other power; and the reoccupation of Oregon at the earliest practical period is a great American measure."

James. K. Polk, of Tennessee, was the nominee of that party for President of the United States. In accepting the nomination, the people had the assurance that he intended to adopt those principles as the policy to govern his administration in the event of his election. This remark is not a reflection on his subsequent administration, hampered as the government must have regarded itself by previously repeated offers of compromise by preceding Executives. It is stated to exhibit the value that the great political party who supported Mr. Polk's election attached to the American claim to Oregon. "Fifty-four, forty or fight" was the issue, as it was understood and accepted. Earnestly that party went to the ballot-box, and there asserted that "war with Great Britain was preferable to a surrender of any part of Oregon."

The position of the Whig party, if not so arrogant in assertion of claim, was equally unequivocal upon the validity of the United States' title. Henry Clay, its most illustrious chief, was selected as its nominee for the Presidency. His position on the title to Oregon was well defined. On May 8, 1826, in his instructions to the Panama commissioners, he had irrevocably committed himself on the measure of relative claim by foreign powers to the territory on the northwest coast. Said he:

"From the northeastern limits of the United States in North America, to Cape Horn in South America, on the Atlantic Ocean, with one or two inconsiderable exceptions, *and from the same cape to the fifty-first degree of north latitude in North America, on the Pacific Ocean, without any exception*, the whole coast and countries belong to sovereign resident American powers. There is, therefore, no chasm within the prescribed limits in which a new European colony could now be introduced, without violating the territorial rights of some American state. An attempt to acquire such a colony, and by its establishment to acquire any sovereign rights for any European power, must be regarded an inadmissible encroachment."

Shortly subsequent to the date of that instruction, in one of his dispatches to Mr. Gallatin, referring to the acquisition of Spanish title by the Florida Treaty, Mr. Clay asserted: "*Our right extended to the sixtieth degree of latitude.*" Voting for either of the candidates for President was voting that "our claim to Oregon was clear and unquestionable;" while voting for Mr. Polk carried with it also the assent that war was to be preferred to the surrender to Great Britain of any portion of that territory. Such was the attitude of the two great political parties; such the opinion as to the title to Oregon entertained by the respective Presidential nominees. From the national Capitol, the Oregon question was transferred to the stump. Throughout the nation, at every political meeting, appeals were made to the popular heart; and the response was enthusiastic: "Oregon of right belongs to the United States; and it is the duty of the government, at all hazards, to maintain that right unimpaired." Never in the history of any country was a popular verdict so unmistakably and unanimously rendered. Never was a government more signally advised by the voice of a united people. The popular pulse had been felt; and it beat strongly in favor of prompt and decisive measures to secure the immediate reoccupation of Oregon. It equally proclaimed "that no portion thereof ought to be ceded to England."



HON. P. P. PRIM,
JACKSONVILLE, OR.



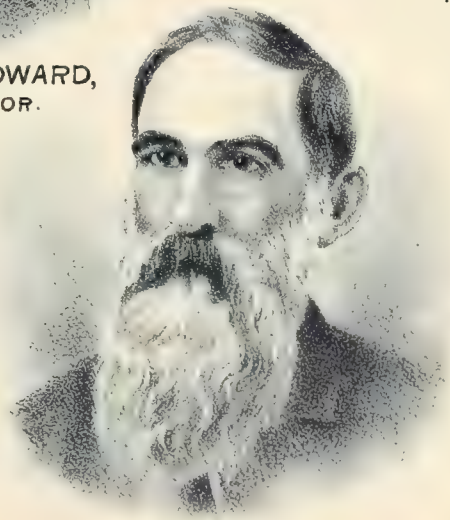
HENRY KLIPPEL,
JACKSONVILLE, OR.



CAPT. HENRY H. WOODWARD,
ROSEBURGH, OR.



E. K. ANDERSON,
ASHLAND, OR.



J. M. McCALL,
ASHLAND, OR

President Tyler, at the opening of the session of 1844–5, in his annual message, informed Congress that negotiations had been resumed. He urgently reiterated his previous recommendations, designed to protect and facilitate emigration, and adds:

"Legislative enactments should also be made which should spread over him (the emigrant) the *ægis* of our laws, so as to afford protection to his personal property when he has reached his distant home. In this latter respect, the British government has been much more careful of the interests of such of her people as are to be found in that country than have the United States. She has made necessary provision for their security and protection against the acts of the viciously disposed and lawless; and her emigrant reposes in safety under the panoply of her laws."

President Tyler's administration ended without satisfactory termination of the negotiations. On the 15th of January, 1845, the British Minister (Sir R. Pakenham) proposed that the matters in controversy be settled by arbitration; which Mr. Calhoun declined, January 21, in a brief note, expressing "the hope that the question may be settled by the negotiations pending between the two countries."

In the house of Representatives, December 16, 1844, under a suspension of rules (125 ayes, 53 noes), Mr. Duncan introduced a bill "to organize a territorial government in Oregon." The bill was referred to the Committee on Territories, and reported to the House December 23d. It provided a government for the territory west of the Rocky Mountains, bounded south by latitude forty-two degrees north, and on the north by latitude fifty-four degrees, forty minutes north. A governor, who was also to act as Indian agent, a judge, secretary, marshal and attorney were to be appointed by the President. It provided for a legislative assembly, consisting of a council to be composed of five members, and a house of representatives not to exceed fifty members. The council was to be selected by the house of representatives, one to go out annually; every five hundred inhabitants were entitled to a representative. The elective franchise was restricted to citizens of the states or territories, unless actual residents of the territory. All suspected of a want of fidelity to the United States, or who refused to take the oath of allegiance thereto, were excluded from voting. The veto power was conferred on the governor; but laws could be passed over the veto by two-thirds. Congress reserved the right to disapprove any law passed by the legislative assembly. Suitable forts were to be established within the territory, and on the main routes leading thereto.

The bill was referred to the Committee of the Whole; where, on motion of Robert C. Winthrop, of Massachusetts, by a vote of one hundred and thirty-one to sixty-nine, it was amended by incorporating the proviso, "that there shall neither be slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." That glorious vote, dedicating to freedom the great Northwest, explains why so much of Oregon so soon thereafter was so readily surrendered to Great Britain. Lying north of thirty-six degrees, thirty minutes (the compromise line on the admission of Missouri), it would necessarily remain free territory and ultimately become free states. The territorial integrity of Oregon, though so heartily indorsed by the people, had been already sacrificed. The bill was further amended to require the delivery to British authorities of any British subject arrested. Grants of land were made, subject to the settlement of the title of the territory by the two governments. No obstruction of harbors, bays or rivers, against vessels and subjects of Great Britain, was to be permitted until the twelve months' notice should have been given to Great Britain, as provided by the convention of 1827. The amendment requiring the President

to give said notice, and to secure the rights of British subjects until the termination of the requisite twelve months, passed by a vote of one hundred and twenty-one to eighty-two. The bill passed February 3, 1845: ayes one hundred and forty, noes fifty-nine.

In the Senate, Mr. Atchison of Missouri introduced, December 19, 1844, a bill to organize a territorial government in Oregon, which was referred to a Select Committee, consisting of Messrs. Atchison, Walker, Rives, Crittenden and Allen. On the 16th of January, 1845, Mr. Atchison reported the bill with an amendment. On the 4th of February, the House bill was read and referred to the Select Committee on Oregon Territory. On the 7th, the bill was reported to the Senate, with an amendment. On the 19th of February, in answer to a resolution of the Senate, President Tyler reported that the negotiations were progressing favorably. On the 3d of March, the friends of Oregon tried to press the Senate to a vote upon the bill; but that body (twenty-one ayes, twenty-three noes) refused.

Up to the close of President Tyler's administration, both branches of Congress, at different sessions, had asserted by the passage of bills that immediate measures should be taken by the government to reoccupy Oregon. In the election of 1844, the people had, with entire unanimity, expressed their will that the government would be sustained in extreme measures adopted to settle the Oregon question. It may be truly claimed that the sole occupancy of the whole of Oregon Territory by the United States had been advised by the American people.

That the President-elect so construed the popular verdict is evident from his very able inaugural address, March 4, 1845, in which he thus in advance committed his administration:

"Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which is beyond the Rocky Mountains. Our title to the country of Oregon is clear and unquestionable; and already are our people preparing to perfect that title by occupying it with their wives and children. Within that period, within the lifetime, I might say, of some of my hearers, our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately, wherever they may be upon our soil. The jurisdiction of our laws and the benefits of our republican institutions should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the states, of which the formation in that territory cannot be long delayed, within the sphere of our Federative Union. In the meantime, every obligation imposed by treaty or conventional stipulations should be sacredly respected."

On the 16th of July, 1845, a conference was held between James Buchanan, Secretary of State, and Sir Richard Pakenham, British Minister, when negotiations were resumed. Mr. Buchanan had presented a proposition dated July 12th, in which he most lucidly demonstrated the title of the United States to the whole territory. He concluded:

"We have a perfect right to claim under both these titles; and the Spanish title alone, even if it were necessary to confine ourselves to it, would, in the opinion of the President, be good as against Great Britain, not merely to the valley of the Columbia, but the whole territory of Oregon. Our own American title to the extent of the valley of

the Columbia, resting as it does on discovery, exploration and possession (a possession acknowledged by a most solemn act of the British government itself), is a sufficient assurance against all mankind; whilst our superadded title, derived from Spain, extends our exclusive rights over the whole territory in dispute, as against Great Britain."

"Such being the opinion of the President in regard to the title of the United States, he could not have consented to yield any portion of the Oregon Territory, had he not found himself embarrassed, if not committed, by the acts of his predecessors. In view of these facts, the President has determined to pursue the present negotiation to its conclusion upon the principle of compromise in which it commenced, and to make one more effort to adjust this long-pending controversy. He has, therefore, instructed the undersigned again to propose to the government of Great Britain, that the Oregon Territory shall be divided between the two countries by the forty-ninth parallel of north latitude, from the Rocky Mountains to the Pacific Ocean, offering at the same time to make free to Great Britain any port or ports on Vancouver Island south of this parallel, which the British government may desire."

The British Minister, under date of July 29th, assumed the responsibility of rejecting this offer. Mr. Buchanan, in an elaborate reply (August 30th), ably reviewed Mr. Pakenham's position, and thus closed the negotiation:

"And how has this proposition been received by the British Plenipotentiary? It has been rejected without even a reference to his own government. Nay, more, the British Plenipotentiary, to use his own language, 'trusts that the American Plenipotentiary will prepare to offer some further proposal for the settlement of the Oregon question, *more consistent with fairness and equity, and with the reasonable expectations* of the British government.' Under such circumstances, the undersigned is instructed by the President to say that he owes it to his country, and a just appreciation of her title to the Oregon Territory, to withdraw the proposition to the British government which has been made under his direction; and it is hereby accordingly withdrawn."

Matters were in this situation at the commencement of the session of Congress, December 21, 1845, when President Polk delivered his first annual message. That document contains a most interesting history of the negotiations. They were evidently cited by the President in justification of his magnanimous and liberal offer of compromise, in view of the committal of the administration by his letter of acceptance and inaugural address. That the administration, after so many repeated offers by predecessors, should have attempted to secure a peaceful adjustment, is in the highest degree commendable. No censure can justly attach for that effort to maintain peace between nations. By its manly assertion of the United States' claim, the Polk administration had brought the Oregon question to the happiest juncture occupied in its forty years' discussion. The administration had embraced the opportunity to withdraw its offer of compromise; and the nation now asserted its rightful title to the whole territory. Its peace-offering had been spurned, and, by direction of the President, had been formally withdrawn. The administration was free and untrammeled. It was about to march forward to give effect to the great popular mandate of 1844, that no portion of Oregon should be ceded to Great Britain. Such appeared to have been the animus of the President in that first message to Congress. He urged that the twelve months' notice to Great Britain required by the convention of 1827 should immediately be given; that the United States desired the abrogation of the Joint-Occupancy Treaty. He invoked Congress to adopt measures for

maintaining the rights of the United States to the whole of Oregon; that Federal jurisdiction be extended over the territory. He recommended such legislation as would afford protection and security to American settlers.

In both houses of Congress numerous measures, responsive to the President's suggestions, were introduced. The House of Representatives, on the 9th of February, 1846, by the decisive vote of one hundred and sixty-three to fifty-four, passed a joint resolution directing the President to give Great Britain twelve months' notice of the desire of the United States to abrogate the convention of 1827. The Senate modified the resolution so as to authorize the President, "at his discretion," to give such notice, and passed it April 16th, by a vote of forty to fourteen. The House of Representatives refused to concur in the Senate amendment, which led to a conference, resulting in the Senate phraseology being substantially adopted. On the 23d of April, the resolution passed both houses: In the Senate, forty-two ayes, ten noes; in the House, one hundred and forty-two ayes, forty-six noes.

The notice embodying the joint resolution was promptly given April 28, 1846. The occasion was so important, such proceeding so unusual between nations, the precedent of such weighty interest, that its insertion at length is justified:

"Whereas, the Congress of the United States have adopted a 'Joint Resolution concerning the Oregon Territory,' of which the following is a copy:

"'JOINT RESOLUTION concerning the Oregon Territory.

"'Whereas, by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord eighteen hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America westward of the Stony or Rocky Mountains, now commonly called the Oregon Territory, should, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be "free and open" to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have on any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party.

"'And whereas, it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled; and that said territory may, no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries.

"'With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be more



A. A. PLUMMER,

PORT TOWNSEND, W. T.

A PIONEER OF 1850.

earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory:

"'*Resolved*, by the Senate and House of Representatives of the United States of America, in Congress assembled, that the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same.

"'Approved April 27, 1846.'

"Now, therefore, after a careful consideration of the premises, I, James K. Polk, President of the United States, in the exercise of the authority and discretion vested in me by the said 'joint resolution concerning the Oregon Territory,' and in pursuance of the second article of the convention of the 6th August, 1827, therein mentioned, do hereby, in behalf of the United States, give notice to her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, that, at the end of twelve months from and after the delivery of these presents by the Envoy Extraordinary and Minister Plenipotentiary of the United States at London, to her Britannic Majesty, or to her Majesty's principal Secretary of State for Foreign Affairs, the said convention shall be entirely annulled and abrogated.

"In testimony thereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, this twenty-eighth day of April, A. D. 1846, and of the independence of the said United States the seventieth.

[L. S.] "JAMES K. POLK.

"By the President:

"James Buchanan, Secretary of State."

The acceptance of the notice was equally prompt. It was as follows:

"FOREIGN OFFICE, May 22, 1846.

"The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, has had the honor to receive the note of Mr. McLane, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, dated the 20th, and delivered on the 24th instant, inclosing the document dated the 28th day of April, signed by the President of the United States of America, and countersigned by the Secretary of State, in which, after reciting a joint resolution concerning the Oregon Territory which has been adopted by the Congress of the United States, the President, in conformity with the terms of that resolution, gives to her Britannic Majesty's government the notice required by the second article of the convention of the 6th of August, 1827, between Great Britain and the United States, for the abrogation of the same. The undersigned acknowledges, accordingly, on the part of her Majesty's government, the receipt of the said notice, and declares that, in conformity with its tenor, her Majesty's government will consider the convention of the 6th of August, 1827, abrogated accordingly from the 21st day of May, 1847.

"The undersigned has the honor to renew to Mr. McLane the assurances of his high consideration. "ABERDEEN.

"Louis McLane, Esq., etc."

While these events had been transpiring in Congress, negotiations had been resumed. On the 27th of December, 1845, Sir R. Pakenham, by order of his government, made the proposition to submit the question "of an equitable division of Oregon to arbitration." Mr. Buchanan promptly declined it, because, to submit to such a proposition was an avowal of a right of Great Britain to a portion of the territory, and equally as strong an admission that his government was wrong in laying claim to the whole of it; besides, it would conclude the United States from making claim to the whole territory before the arbitrator." On the 17th of January, 1846, Sir R. Pakenham submitted a modified proposition to refer "the question of title in either government to the whole territory to be decided; and, if neither were found to possess a complete title to the whole, it was to be divided between them according to a just appreciation of the claims of each."

Mr. Buchanan replied:

"If the governments should consent to an arbitration upon such terms, this would be construed into an intimation, if not a direct invitation, to the arbitrator to divide the territory between the two parties. Were it possible for this government, under any circumstances, to refer the question to arbitration, the title, and the title alone, detached from every other consideration, ought to be the only question submitted. The title of the United States, which the President regards clear and unquestionable, can never be placed in jeopardy by referring it to the decision of any individual, whether sovereign, citizen or subject. Nor does he believe the territorial rights of this nation are a proper subject of arbitration."

But the venue of contention is now to be changed. On the 6th of June, 1846, Sir R. Pakenham submitted to Secretary of State Buchanan a draft of a proposed treaty, which had been transmitted to him by the British government. President Polk at once presented the same to the Senate of the United States, accompanying therewith the following message:

"To the Senate of the United States:

"I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the 6th instant, by the Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to the action which, in their judgment, it may be proper to make in reference to it.

"In the early periods of the government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers; and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in latter times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power; and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question

which may involve in its decision the issue of peace or war. On the present occasion, the magnitude of the subject would induce me, under any circumstances, to desire the previous advice of the Senate; and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the Executive. In conferring on the Executive the authority to give the notice for the abrogation of the convention of 1827, the Senate acted publicly so large a part, that a decision on the proposal now made by the British government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the Senate to the proposal of the British government for the settlement of the Oregon question, and ask their advice on the subject.

"My opinions and my action on the Oregon question were made fully known to Congress in my annual message of the second of December last; and the opinions therein expressed remain unchanged. Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposal, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer.

"I also communicate herewith an extract from a dispatch of the Secretary of State to the Minister of the United States at London, under date of the 28th of April last, directing him, in accordance with the joint resolution of Congress 'concerning the Oregon Territory,' to deliver the notice to the British government for the abrogation of the convention of the 6th of August, 1827; and also a copy of the notice transmitted to him for that purpose, together with extracts from a dispatch of that Minister to the Secretary of State, bearing date on the 18th of May last.

"JAMES K. POLK.

"Washington, June 10, 1846."

"PROTOCOL.

"A conference was held at the Department of State, on the 6th of June, 1846, between the Honorable James Buchanan, Secretary of State, the American Plenipotentiary, and the Right Honorable Richard Pakenham, the British Plenipotentiary, when the negotiation respecting the Oregon Territory was resumed. The British Plenipotentiary made a verbal explanation of the motives which had induced her Majesty's government to instruct him to make another proposition to the government of the United States for the solution of these long-existing difficulties. The Secretary of State expressed his satisfaction with the friendly motives which had animated the British government in this endeavor.

"Whereupon, the British Plenipotentiary submitted to the Secretary of State the draft of a convention (marked A), setting forth the terms he had been instructed to propose to the government of the United States for the settlement of the Oregon question

"JAMES BUCHANAN.

"R. PAKENHAM."

"A." (Preamble omitted.)

"ARTICLE I.

"From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the boundary line between the territories of her Britannic Majesty and those of the United States shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver Island; and thence southerly through the middle of said channel and of Fuca's Strait to the Pacific Ocean; provided, however, that the navigation of the whole of said channel and strait south of the forty-ninth parallel of north latitude remain free and open to both parties.

"ARTICLE II.

"From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the main stream to the ocean, with free access into or through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the government of the United States from making any regulation respecting the navigation of said river or rivers, not inconsistent with the present treaty.

"ARTICLE III.

"In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said territory, shall be respected.

"ARTICLE IV.

"The farms, lands and other property of every description belonging to the Puget Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to said company. In case, however, the situation of these farms and lands should be considered by the United States to be of public importance, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said government at a proper valuation, to be agreed upon between the parties."

"The Senate being in executive session:

"On motion of Mr. Mangum, the Senate proceeded to consider the message of the President of the United States of the 10th instant, communicating a proposal for the adjustment of the Oregon question; and, after debate, Mr. Haywood submitted the following resolution:



HON. ORANGE JACOBS.

SEATTLE, W.T.

"'*Resolved* (two-thirds of the Senators present consenting), that the President of the United States be, and he is hereby, advised to accept the proposal of the British government, accompanying his message to the Senate dated June 10, 1846, for a convention to settle boundaries, etc., between the United States and Great Britain, west of the Rocky or Stony Mountains.'

"On June 12, 1846, the Senate proceeded to consider the resolution submitted by Mr. Haywood on the 11th instant. On the question to agree to the resolution, it was determined in the affirmative: yeas thirty-eight, nays eleven. Those who voted in the affirmative are: Messrs. Archer, Ashley, Bagby, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Davis, Dayton, Dix, Evans, Green, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennypacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, Yulee. Those who voted in the negative are: Messrs. Allen, Atherton, Breese, Cameron, Dickenson, Fairfield, Hannegan, Jarnagin, Jenness, Semple, Sturgeon.

"The Senate having, by the necessary constitutional majorities, advised the President to accept such proposed treaty, the said action was communicated to the British government in the following letter:

"Secretary Buchanan to Minister McLane.

"DEPARTMENT OF STATE,
"WASHINGTON, June 13, 1846.

"*Sir:* The President communicated to the Senate, on the 10th instant, a confidential message, of which I transmit you a copy, asking their previous advice in regard to the project of a convention for the adjustment of the Oregon question, delivered to me by Mr. Pakenham on the 6th instant.

"On yesterday the Senate adopted the following resolution:

"'*Resolved* (two-thirds of the Senate present concurring), that the President of the United States be, and he is hereby, advised to accept the proposal of the British government accompanying his message to the Senate dated 10th June, 1846, for a convention to settle boundaries, etc., between the United States and Great Britain, west of the Rocky or Stony Mountains.'

"The vote of the Senate stood thirty-eight to eleven.

"I have learned from the best sources that the Senate gave this advice under the conviction that, by the true construction of the second article of the project, the right of the Hudson's Bay Company to navigate the Columbia would expire with the termination of their present license to trade with the Indians, etc., on the northwest coast of America, on the 30th day of May, 1859. In a conversation with Mr. Pakenham to-day, I communicated this fact to him, and requested him to state it in his dispatch to Lord Aberdeen.

"The treaty will be signed and sent to the Senate on Monday next; and it is more than probable that they will, in some form or other, place upon their records their understanding of its true construction in this particular.

"I am, etc., "JAMES BUCHANAN.

"Louis McLane, Esq., etc."

The treaty as proposed was signed June 15, 1846, by the representatives of the two nations. On the 18th of June, it was submitted to the Senate, and ratified by a vote of forty-one ayes, fourteen noes. The herculean Benton was its most zealous champion. From his very remarkable speech in its advocacy, the following very remarkable language is extracted. Said he:

"The first article of the treaty—and it is the main one, and almost the whole treaty—is in the very words which I myself would have used if the two governments had left it to me to draw the boundary line between them. The line established by that article—the prolongation of the boundary on the east side of the Rocky Mountains—follows the parallel of forty-nine degrees to the sea, with a slight deflection through the Straits of Fuca to avoid cutting the south end of Vancouver Island. All this is right in my opinion. Forty-nine is the line of right, and of mutual convenience, between the two powers, offered by us since the time of Mr. Jefferson, and wonderfully adapted to the natural divisions of the country and the actual possessions of the two parties. It parts the two streams of water (those of the Columbia and Fraser rivers) as naturally and commodiously on the west of the mountains as it parts on the east of the same mountains the two systems of waters which belong on the one hand to the Gulf of Mexico, and on the other to Hudson's Bay; and on both sides of the mountains it conforms to the actual discoveries and settlements of both parties. There is not upon the face of the earth so long a line, and so straight and so adapted to the rights of the parties and the features of the country. From the Lake of the Woods to the Pacific Ocean is twenty degrees of longitude (fifty miles to the degree in that latitude); and throughout that long distance the line follows the highlands which divide great rivers and their basins, cutting off nothing but the heads of rivers of little consequence; and these excisions most wonderfully balance.

"It is a marvelously proper line, and does great honor to the discretion, or illustrates the good fortune, of the French and British commissioners under the Treaty of Utrecht, by whom it was so long ago established. Mr. Jefferson offered this line in its full extent in 1807. Mr. Monroe made the same offer in 1818, and again in 1824. Mr. Adams offered it in 1826, Mr. Tyler in 1842, and Mr. Polk in 1845. For forty years, save one, this line has been offered by our government to the British government, and by all except the last, as a line of right, adapted to the actual possessions of the parties and to the natural divisions of the country. Since thirty years, I have been accustomed to study the question of this line; and during all that time I have been in favor of forty-nine degrees. As often as I have had occasion to express my opinions about it—and those occasions commenced with the Treaty of Ghent in 1815—I have declared uniformly in favor of that line, but always as a basis, never as an inflexible demarkation, yielding to no accidents of land or water. I never talked the nonsense of every inch and acre up to forty-nine, or war. I knew the Straits of Fuca, and that those straits formed a natural boundary for us, and also divided the continent from the islands, and the fertile from the desolate regions. I knew that the continental coast and the inhabitable country terminated on the south shore of those straits, and that the northwest archipelago—the thousand desolate and volcanic islands, derelict of all nations—commenced on their shore; and I wanted to go no farther than the good land and the continental coast went. I was always in favor of a deflection of a line through the Straits of Fuca; but I said nothing about it. It was a detail, and I confined myself to the proposition of the line as a basis. I had expected the deflection to have commenced further back—on the continent—so as to have kept our line a little farther off from Fort Langly, at the mouth of Fraser river, almost in sight of which it

now passes. If this had been asked, I for one would have been willing to grant it; but the British did not ask it, probably for the reason that I would have granted it, namely, the entire worthlessness of the desolate region about the mouth of Fraser river.

"The deflection leaves out Vancouver Island, and I am glad of it. It is one of the most worthless of the thousand worthless islands which the northwest archipelago presents, and is the derelict of all nations. The Nootka Sound quarrel between Great Britain and Spain was not for the island, but for the insult to Great Britain in the deportation and incarceration of her subjects by the Viceroy of Mexico. Reparation for that insult was the point of the quarrel; and, that being obtained in a treaty of restoration and indemnity, both parties abandoned the island, and neither has since occupied it. It is now vacant and desolate, and I want none of it. I would not accept it as a present, nor would the poorest lord of the isles that ever lived on the western coasts of Scotland. The fictitious importance lately attributed to this island, upon the disparagement of the mouth of the Columbia, has vanished upon the revelation of the true character of that river. The estuary of the Columbia is now shown to be a good port; and, with the advantage of lights, buoys, beacons, pilots and steam tow-boats, ready to become one of the best in the world. This knowledge of the true character of the Columbia puts an end to all pretexts of necessity to go north three hundred miles to hunt a substitute port in the remote and desolate coasts of Vancouver Island. That island is not wanted by the United States for any purpose whatever. Above all, the south end of it is not wanted to command the Straits of Fuca. It so happens that these straits are not liable to be commanded, either in fact or in law. They are from fifteen to thirty miles wide,—rather too wide for batteries to cross their shot, and wide enough, like all other great straits of the world, to constitute a part of the high seas, and to be incapable of appropriation by any nation. We want nothing of that strait but as a boundary, and that the treaty gives us. With that boundary comes all that we want in that quarter, namely, all the waters of Puget Sound and the fertile Olympic district which borders upon them.

"When the line reaches the channel which separates Vancouver Island from the continent (which it does within sight of the mouth of Fraser river), it proceeds to the middle of the channel, and thence, turning south, through the channel de Haro (wrongly written Arro on the maps) to the Straits of Fuca, and then west to the middle of that strait to the sea. This is a fair partition of those waters, and gives us everything that we want, namely, all the waters of Puget Sound, Hood's Canal, Admiralty Inlet, Bellingham Bay, Birch Bay, and with them the cluster of islands, probably of no value, between de Haro's Channel and the continent. Neither the Spanish discoveries, nor our own discovery and settlement of the Columbia, would have given us these waters. Their British names indicate their discoveries; and the line of forty-nine gives them to us."

Thus was temporized the Oregon controversy by that hasty and ill-digested surrender of a large portion of territory to which our title was "clear and unquestionable." That treaty settled only so much of the boundary line as lies upon the main land, carrying the parallel of forty-nine degrees north westward to the coast of the Gulf of Georgia. Hardly were the ratifications exchanged, when, early as the fall of 1846, the boundary dispute was revived by the claim being asserted that Rosario Strait was the main channel, and the channel intended by that treaty as the northwest water boundary, instead of the Canal de Haro. That question remained a matter of controversy between the two governments, until the award in 1873, by the Emperor William of Germany, that the Canal de Haro was the main channel referred to in the treaty. By it also the Hudson's Bay Company was

permitted to continue in Oregon; and the United States stipulated to respect possessory rights, which were to have been terminated, by their license, May 30, 1859; yet that company and its offshoot, under the alias of the Puget Sound Agricultural Company, claimed $5,000,000 against the United States as a compensation to them to withdraw from Oregon, to abandon their rights, and for rights claimed to have been acquired during their occupancy of Oregon, under the Joint-Occupancy Treaties of 1818 and 1827.

Such was the Oregon question, and such its abortive termination. It aptly proves that to governments, like individuals, "nothing is denied to well-directed industry." The world is afforded the strongest illustration that persistent claim gives as good a title to the territory as actual right.

The actors in the consummation which secured peace without honor (though it is not believed that Great Britain would have dared to go to war with the United States in support of her Oregon pretensions) have passed away. Robert J. Walker, Secretary of the Treasury in the cabinet of President Polk, thus explains (1) the readiness to surrender so much of Oregon to Great Britain:

"We own now the whole western Pacific coast from Lower California to the Arctic Sea, except British Columbia, which (against my earnest protest in the cabinet) was ceded to England in 1846. I say *ceded*, for our title to the whole of Oregon from the forty-second parallel northward to Russian America was in truth clear and unquestionable. British Columbia was lost to us by the most unfortunate diplomacy extending through a long period of time."

Why we so willingly yielded it, Mr. Walker explains in the following:

"The opposition to the acquisition of Louisiana was geographical and anti-slavery. In 1821, Texas was relinquished partly from geographical, but mainly from anti-slavery, opposition. In 1845, the opposition to the annexation of Texas was based mainly upon anti-slavery grounds. In 1846, in connection with the unfortunate action of preceding administrations, Oregon, north of the forty-ninth parallel, was lost to the Union. While the history of annexation in the United States shows various obstacles by which it has been retarded, yet the chief among these was the discordant element of slavery. Thus it was that, while the free states to a great extent opposed the acquisition of slave territory, the slave states opposed the acquisition of free territory. But for these opposing principles, our area would be far greater than it is now. On extinguishing slavery, we have removed the principal cause which retarded annexation. We see already the good effects of the disappearance of this institution in the almost unanimous vote of the Senate by which the Alaska treaty was ratified. *Before the extinction of slavery, that treaty would have been defeated upon the same principle that Oregon north of the forty-ninth parallel was ceded to England.*"

On another branch of this case, apprehension of war with England, Mr. Walker remarks:

"We all know how she availed herself of our war with Mexico to deprive us of our rightful territory of Oregon north of the forty-ninth parallel. In other words, a war with Mexico to secure Texas must not be endangered by the conflict with England for our rights in Oregon."

Mr. Walker thus acquits Mr. Polk and Mr. Buchanan of voluntarily and too-readily abandoning the policy avowed in such manly terms by the Administration and Department of State in regard to the United States' title to Oregon:

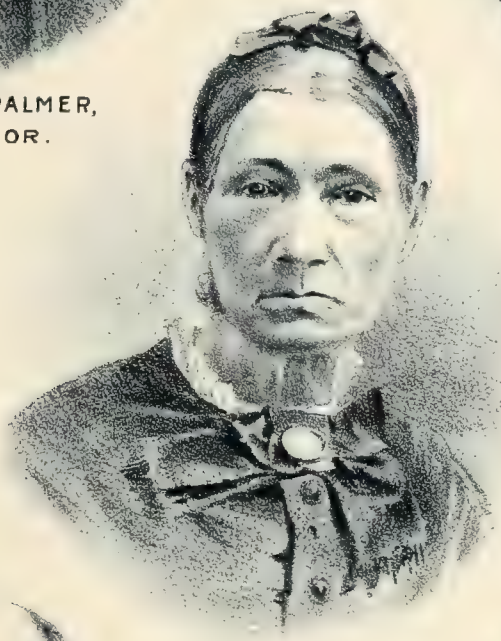
1. Letter, January 24, 1868, on the purchase of Alaska, St. Thomas and St. Johns. *Washington Daily Morning Chronicle*, January 28, 1868.



GEN'L. JOEL PALMER,
DAYTON, OR.



MRS. S. A. PALMER,
DAYTON, OR.



MRS. M. F. EELLS.



HENRY HEWITT,
WHEATLAND, OR.



MRS. E. M. HEWITT,
WHEATLAND, OR.

"In the letter of the 3d of March, 1845, of the late James K. Polk, tendering me the office of Secretary of Treasury, he inclosed me his proposed inaugural address discussing the Oregon and Texas questions, in which letter he says: 'If you, sir, concur with me in these opinions and views, I shall be pleased to have your assistance in my administration as a member of my cabinet, and now tender to you the office of Secretary of Treasury. I shall be pleased to receive your answer at your earliest convenience.' In my reply of that date to Mr. Polk accepting the tender, I said: 'The reannexation of Texas in the mode proposed in my letter of 8th of January, 1844, may be regarded as nearly consummated. The kindred measure referred to in the letter, namely, our just and rightful claim to the whole of Oregon, will, I trust, be successfully asserted by you; this would leave no European power on our Pacific coast except Russia, whose well-known friendship to us would, it is hoped, induce her to cede to us her North American territory.'

"This correspondence needs no comment. It is due, however, to my late excellent friend and chief, James K. Polk, to say that he was most sincerely desirous of retaining the whole of Oregon, and only abandoned it when he arrived at the conclusion that Congress would not sustain him in the measure.

"It is due to the Secretary of State, James Buchanan, to say that he yielded with great reluctance to the sacrifice of any portion of Oregon."

Chapter XXI.

(1836.)

Settlement of Oregon — Internal Condition of the Territory — Its Elements of Colonization — Native Population, Number, Distribution, Characteristics, Disposition, or Relation to the Several White Races Present.

THE Canadian-French settlement on French Prairie, in the Willamette valley, the erection of a mill and farmhouses by Dr. John McLoughlin at Willamette Falls (now Oregon City), and the cultivation of small tracts near the Hudson's Bay Company posts at Vancouver and the Cowlitz, had been the only attempts at settlement hitherto made. Oregon occupancy had been restricted to exploration and prosecution of the fur and Indian trade. Henceforth the country is to become the *home* of American men and women and children. Its occupants,—settlers,—are to develop its resources, clear its vast forests, cultivate its valleys and prairies, and transform the region into American communities and states.

Heterogeneous elements enter into its colonization, diverse in character and purpose, yet all operating within the same period. For years each maintained an individuality,—worked out its peculiar or particular mission.

Present in Oregon at the dawn of American settlement were its native population, the Hudson's Bay Company with its trading-posts, establishments, trading and trapping parties, holding almost exclusive possession of the country,—individual or independent enterprises impotent to gain a foothold by reason of its vigilant and crushing competition. Here were also retired servants of the company, who were taught to regard themselves as its tenants for land by them cultivated, whose loyalty to the company still continued. Here and there, one who had never been in the service of the Hudson's Bay Company, who had either dropped out of and remained after the expedition to which he had been attached had abandoned the country, or some trapper or sailor, who had drifted in from the Rocky Mountains or California. Then came the missionary colonies, and finally immigration proper,—American settlers seeking homes. Such was Oregon at that period. In brief, general terms must be considered: I. The native population; II. British subjects, viz., officers and employés of the Hudson's Bay Company, and its discharged servants, chiefly Canadian French; III. A class who may be styled the independent element,—trappers, traders and sailors never in the service of the Hudson's Bay Company; IV. The missionary stations; V. The immigrants, or American settlers.

The Indian bands or tribes adopted their names from a river, island, bay or other natural feature of the country which constituted or gave identity to their vicinage. Although sometimes combined under one great chief, yet legitimate recognition of authority or clearly defined tribal boundaries did not exist. Their crude form of government was patriarchal. Blood asserted its claim for chieftainship, and also for recognition as medicine man. These offices of rank continued in families, and descended

from father to son. The relation of members of bands to each other, or between different bands, were social rather than political. Combinations resulted from accident or caprice rather than tribal ties or mutuality of grievance. War sometimes continued until a well-defined tribe became destroyed,—its identity lost,—its survivors merged into another nation. Their language was stilted in idea, and of complicated structure. Words had no stable or uniform signification; they differed in pronunciation and meaning not only between bands, but were widely dissimilar in significance as used by individuals of the same band. The race was vagrant. If fishing, their haunts were the seas, bays and rivers; if berrying, they sojourned upon the plains; if hunting or trapping, the banks of the streams or forests were their abiding places. They pitched their camp wherever necessity prompted. They were homeless, landless, ungoverned except by a few traditional customs, or where one, by superiority of will, exacted respect or provoked fear. Hostility between rival bands necessitated chieftains, many of whom were born leaders, some orators of great power, strategists of ability.

They sought not knowledge, required not skilled labor, were content to manufacture their own utensils,—weapons useful in war or in securing game and fish. Nothing indicated a purpose to establish homes, or to cultivate the soil, to acquire or to confer value upon land by its occupancy or use.

The fur traders utilized them as trappers and hunters. So valuable was the Indian and fur trade, that it created the greatest competition between the great trading companies of Great Britain, Canada and the United States.

The occupancy of the territory west of the Rock Mountains which should, in accordance with the spirit of the Joint-Occupancy Treaties of 1818 and 1827, have been shared by citizens of the United States and subjects of Great Britain, was really, after 1821, sole and exclusive by the Hudson's Bay Company. Citizens of the United States who endeavored to participate in this trade and to obtain a foothold in the territory were foiled in every effort, supplanted in every enterprise.

In 1832, some Oregon Indians had expressed their desire to be taught about God. Their condition seemed to endow them with peculiar claims to sympathy. The religious world became alive to their spiritual needs; and missionary organizations vied with each other in efforts to establish missions west of the Rocky Mountains. Missionary colonies were introduced as factors in Oregon occupancy and settlement. The effect upon the native race of the presence of the two civilizers, trading and teaching, is an interesting problem. Certain castes effectually conciliated the native population, permanently retained their good will, and secured their steady loyalty and entire subserviency. The American, whether trader, missionary or settler, was not so successful. Of him the Indian was suspicious, was hostile to his presence in the territory.

The Hudson's Bay Company had no occasion to acquire lands, nor to abridge the Indian's haunts. Profitable trade depended upon the continuance of peace,—peace among the Indians, and peace between the Whites and Indians. The officers followed alike the dictates of policy and humanity, cultivated the friendship of the Indian, and encouraged their employés to assimilate with and thereby gain moral control over him. Under the Hudson's Bay Company rule, the country throughout its vast area was safely traveled by its single and unarmed white employés; at every Indian camp the company's men found shelter and welcome.

The American settler was not less friendly disposed to the native, the American missionary as disinterested as the French or Canadian priest; yet, to the Indian mind, it

was apparent that American occupancy meant settlement. It demanded the transformation of the wilderness into American homes. It involved the destruction of those elements which give to a region all its value as regarded by the Indian. To effect this purpose, the American needed to appropriate land, and to exclude others. The necessary concomitant of American settlement was the banishment of the Indians from their customary haunts. Game, their main subsistence, retired before its forward march. An aggressive civilization drove before it the Indian himself, dissipating in its onward movement his very means of sustenance. While really guiltless of depriving the Indian of anything he owned, yet American occupancy, expelling the native, lessened his means of acquiring a subsistence.

Settlement of any country inhabited by Indians necessitates conflicts. The savage insists that the wilderness shall so remain; the settler gives heed to the first great command, "to subdue the earth and replenish it." The first cultivation of the earth in Oregon had been immediately followed by the introduction among the Indians of that dreadful destroyer of their race, fever and ague. It has become axiomatic that, with the advance of white settlement, the Indian race disappears or decreases. Tribes most powerful when Lewis and Clark visited the country had dwindled to mere bands, preserving only their tribal name. This decrease cannot be attributed to wars between hostile tribes; for comparatively few had lost their lives at the hands of the white race, or the wars maintained by the Whites against them. Fever and ague, small-pox, measles, dysentery, diseases of the lungs, contagious diseases, have been the scourges before which the native population have withered away since the advent of the white race, and the introduction of the customs and vices of a so-called superior civilization.

Since 1829, five-sixths of the Indians upon the Columbia river had been destroyed by fever and ague. The great mortality may in a great measure be attributed to the absurd Indian treatment of disease. When the fever had reached its highest stage, the victim plunged into the cold river and remained immersed until the fever was allayed; the chill which followed was usually fatal. In that year the shores of the streams were strewn with native dead; villages were depopulated; and entire tribes vanished. Indian authority asserts that this disease had been unknown to the Indians,—unknown in the country,—until the year which marks the occasion of the first plowing in Oregon (1). The scourge which proved so fatal that year (1829) to the Indian race extended along the upper coast and as far south as California.

The *Aborigines* comprised about seventy bands or tribes, who may be thus classified:

South of the Columbia river and west of the Cascade Mountains . .	2,500
North of the Columbia river and west of the Cascade Mountains . .	7,600
East of the Cascades, who may be properly called Indians of the plains	16,900
	27,000

These differed in their habits of subsistence and language, and are claimed to have been separate communities. In geographical divisions limited by natural boundaries, such as mountain chains, rivers and bays, the tribes closely assimilated; and tribal distinctions were but faintly defined. As a rule, the Indians east of the Cascade Mountains were a nation of horsemen, their wealth consisting in horses. Man, woman and child were mounted as they moved from place to place. Their entire use for the horse was for traveling and moving camp; that great friend of man was never used by them in agriculture or other labor. Hunting was the main dependence of the Indians

1. *Missionary Journal*, Rev. S. Parker, 1835, page 175.

of the plains; fishing was an incident. West of the Cascade Mountains, the Indians subsisted principally by fishing, although those more remote from the bays and rivers made hunting a considerable pursuit. All gathered roots and berries, with which the territory abounded. As those Indians who crossed the Rocky Mountains and hunted buffalo were of the highest type,—the bravest warriors,—so, among the western Indians, those who in their canoes braved old ocean to capture the whale were the most warlike and formidable. The coast tribes are of moderate intelligence, dirty, insolent, deceitful, passionate, superstitious, addicted to gambling, and grossly libidinous. These qualities are less marked in the interior nations. The Sahaptan family, including the Walla Wallas, Nez Perces, Cayuses and Shoshones, are similar to the Indians east of the Rocky Mountains,—cold, taciturn, high-tempered, warlike and fond of hunting (1). They were very superstitious. In their primitive condition, they had no well-defined idea of a Supreme Being. There is not in any dialect of an Oregon tribe a synonym for the word or idea of God (2). They recognize the presence of a "Great Spirit," who controls and regulates important events; who would become displeased with their shortcomings, and would visit on them misfortune as a punishment. There was an "Evil Spirit," to whom was attributed all the evils to which they were subjected, which were not the merited punishment for having provoked the anger of the "Good Spirit." They were believers in a future state of existence, in which they would enjoy to an increased degree the peculiar pursuits which in this life had conferred pleasure.

Gambling was the universal ruling passion, manifested by horse-racing, foot-racing, athletic exercises, trials of skill and in games of chance. Theft was so prevalent a habit, that its extent and universality alone depended upon the opportunity for gratification.

Subjects of difference were always referred to their chief; if beyond his capacity, if any *principle* was involved, the question would be submitted to a white man. They deferred to the white race; simple-minded, ignorant, they looked up to the white man who had come among them,—whom they had learned to know and fear. This characteristic largely accounts for the jealousy and hostility of the Indians to American settlers. Two white races with adverse interests were present in Oregon. From early in the present century, the Indians had been acquainted with the hostility of interests between the Americans and British, or, as they were distinguished by the natives, "Bostons" and "King Georges," at which time those distinctive appellations had originated. Not only two white races were present, engaged in trade, but there were, also, two adverse and hostile systems of religious belief, the teacher of each struggling to gain supremacy over the Indian mind. How aptly the scriptural aphorism—"No servant can serve two masters: for either he will hate the one and love the other; or else he will hold to the one and despise the other"—defined the attitude of the Indian population towards the British and American occupants of Oregon,—towards the Catholic and Protestant missionaries laboring therein.

For many years, the Indian west of the Rocky Mountains had become accustomed to the Hudson's Bay Company's rule. They had learned to depend on the posts for many of the necessaries of life. Many of their women were wives of servants of the company; and a *bias* for the British, by whom they had been treated with uniform justice, was strong, as it was natural. Constituted as is the Oregon Indian, predjudice against, and suspicion of, the rival white race, the American settlers, was the natural consequence of that allegiance he had learned so thoroughly, and now so willingly accorded to the officers of the Hudson's Bay Company, their servants and employés.

(1) Indians of Northwest America,—Hale's *Northwest America*.
(2) *Ibid.*

Chapter XXII.

(1821–1846.)

Hudson's Bay Company Officers, Employees and Retired Servants — Biographic Sketches of Dr. John McLoughlin, Peter Skeen Ogden, James Douglas and William Fraser Tolmie, Chief Factors of Hudson's Bay Company — Notices of Alex. C. Anderson, George B. Roberts and Archibald McKinlay—Early Settlers of French Prairie—First Settlement at Oregon City.

WITH isolated exceptions, there were no white residents of Oregon Territory except officials and *attachés* of the Hudson's Bay Company, or its discharged servants. Previous to the coalition of the North West and Hudson's Bay Companies in 1821, the headquarters of the fur trade west of the Rocky Mountains had been Fort George (the Astoria of the Pacific Fur Company).

In 1824, Dr. John McLoughlin, chief factor in charge of affairs of the Hudson's Bay Company west of the Rocky Mountains, removed the company headquarters to Fort Vancouver. From 1821, as head of the fur trade west of the Rocky Mountains, he had really been governor of the entire Pacific slope, between California and Russian America.

The ablest among his pioneer contemporaries (1) eloquently sums up the virtues and characteristics of this eminent friend of humanity. The eulogium is a justly merited tribute to the man ; nay, it is much more. While it most admirably illustrates his method of governing, and his wonderful administrative ability, it equally exhibits the influence of that power then supreme in the region, and the company's philosophic solution of the Indian problem. It vindicates also the only policy which has ever been successful with the native population, wherever the white race have been compelled to encounter or deal with them, or to live in their midst. Said his eminent friend:

"When I first saw Dr. McLoughlin (1843), he was about sixty years of age. His head covered with locks white as snow, taken in connection with his large and commanding stature and usually black dress, made his Indian name of 'Bald Eagle' quite appropriate. While his presence was dignified, his open, benevolent countenance banished awe ; and his cordial manner invited confidence. Those under his command seemed to obey more to please a revered father than through fear of a master whose power was absolute. I once attended, in his company, the Catholic Mission Church near Champoeg. A large number of the discharged Canadian servants of the company were in attendance. Dr. McLoughlin took his place near the door. He had a hearty greeting for each father and son, a cordial kiss for each wife and daughter, as they passed into church. After mass the people flocked to him, some to consult him about their private affairs, others his advice about public measures or improvements, others to recount their losses and afflictions. For each of the former he had a word of advice ; for the latter he manifested a warm sympathy. Though this scene seemed to belong to another age, or at least another country, and

1) Hon. Jesse Applegate, in a letter to Mrs. Frances Fuller Victor, October 15, 1865.

might be regarded at variance with republican equality, yet was it pleasant to see those who had stood toward each other in the relation of master and servant for most of their lives meet as parent and child after such relation had been dissolved,—strong evidence that the master had been just and lenient, the servant faithful and true. But his kindness was not confined to his old servants. He was a philanthropist in the strongest sense of the term. He did not stop to inquire to what race, country or religion the sufferer belonged. The needy was supplied, not with ostentation or prodigality, but with such judgment and prudence as to make the alms not merely a temporary relief but a lasting benefit.

"To each immigrant, British or American, Catholic or Protestant, who required assistance,—and few did not,—he gave a helping hand, and in such a way as to be least wounding to the feelings of independence and self respect. Those desiring to cultivate the earth were supplied with seed,—a loan to be returned, when they were able, from their own crops. Mechanics were furnished with tools; and they, as well as common laborers, were frequently employed by him in works that made but small return for the wages given. Families could obtain provisions and necessaries, to be paid for at the end of the year. The seeds loaned, though not in all cases gifts to the borrowers, were never returned—nor expected to be—to the company's granaries; but from year to year, as destitute immigrants arrived, they were given orders upon some neighbor for seeds that had been borrowed from the company. And thus the wheat, oats, potatoes, etc., which had assisted the first settler in a particular location, were made to do a like service to the lately arrived neighbor. Nor was the company much better paid for other advances. Before Dr. McLoughlin retired from the company's service, uncollected debts of this character had accumulated to the amount of fifty thousand dollars. As giving these credits was in violation of the rules of the company, this large sum was charged upon the books of the company to Dr. McLoughlin. Subsequently, however, the board of management at London made an order, 'that, in consideration of the eminent services Dr. McLoughlin had rendered the company, this charge against him was rescinded.'

"For those eminent services, Dr. McLoughlin deserves a very high place in the history of Oregon. They not only directly advanced the interests of the company for whose benefits they were rendered; but they benefited the Indians, and contributed in an eminent degree to the safety and prosperity of Oregon in its first settlements. That service consisted in his entire success as a pioneer in an unknown region, inhabited by savages, a race who, though reduced to less than half of their strength while under his control, have, under a different policy, cost the United States government much blood and treasure, and still continue a great annoyance to the frontier settlements.

"Under his judicious management and humane treatment of the natives, without war and almost without bloodshed, the Hudson's Bay Company, in comparatively a few years, spread a network of its posts, and monopolized the trade of the vast region comprehended between the Rocky Mountains and the Pacific Ocean, and forty-two degrees and fifty-four degrees, forty minutes north latitude, then known as Oregon. In this region, inhabited by numerous tribes, equally treacherous and rapacious, if not so warlike as those east of the Rocky Mountains, so hostile were they to the whites, that, upon the first arrival of the company, it was necessary for a guard of from thirty to fifty men, well armed, to accompany each caravan. In 1843 and years earlier, a single person belonging to the company or enjoying its protection could travel anywhere in safety to life and property. In fact, the company's messengers to the different posts in the territory claimed and

received the hospitality of any Indians they chanced to meet. Dr. McLoughlin ascribed this success to a just appreciation of the Indian character. He considered them as the children of nature, whose moral sentiments had not been developed by education; and, as children, they were to be treated kindly, dealt with honestly, and, when they transgressed, punished certainly, if not severely. He impressed upon them that trade and intercourse would be as advantageous to them as to the company. If they thought otherwise, he had no desire to establish trade with them.

"A strict discipline was imposed upon the officers and servants of the Hudson's Bay Company. The officer in charge of a post or party was alone authorized to deal with the natives. Interference with their women (the so-frequent cause of trouble between the Indians and Whites) was strictly forbidden and rigorously punished. Spirituous liquor, that curse alike of civilized and savage, was never taken into the Indian country, save the one gallon of brandy and two gallons of wine annually furnished each post for medicinal purposes. By a judicious system of penalties and rewards, the Indians were taught to speak the truth and respect their promises. Theft or murder was never suffered to go unpunished. Tribes as well as individuals were stimulated to industry and good behavior, by suitable presents and distinctions. If a theft or murder was committed, the tribe to which the offender belonged was held responsible, and required to deliver him up for punishment. If the tribe hesitated or delayed, trade was withdrawn until the thief was surrendered. If a tribe refused to give up a murderer, war at whatever cost was waged until full satisfaction was obtained.

"The provisional government of Oregon, in excluding liquor from the country, merely sanctioned and continued the rule established by Dr. McLoughlin. An American vessel had come into the harbor with a cargo of liquor, to trade with the Indians for fish and furs. To prevent the evil consequences which such a trade would produce, at a heavy pecuniary sacrifice, Dr. McLoughlin purchased the whole cargo and sent it out of the country."

Dr. McLoughlin was associated at Fort Vancouver, in the management of the interests of the Hudson's Bay Company, with two chief factors, Peter Skeen Ogden and James Douglas.

Governor Ogden was born in Quebec, Lower Canada. His father, Isaac Ogden, a native of England, had settled in New York before the American Revolution; continuing loyal to the Crown, he removed to Canada. By profession a lawyer, for many years he held the exalted position of Chief-Justice of that province. He had five sons, all of whom became distinguished, and two daughters. Henry, one of the sons, was collector of the port of New York, 1841–5, under Presidents Harrison and Tyler.

Peter Skeen commenced life as a clerk in the office of John Jacob Astor in New York City. He pursued for a time the study of law; but, owing to his harsh and squeaking voice, he abandoned the profession, and, in 1811, joined the North West Fur Company. Prior to the coalition with the Hudson's Bay Company, he had served west of the Rocky Mountains. He continued in the service of the Hudson's Bay Company, and for many years conducted a trading and trapping party in the Rocky Mountains. In his numerous expeditions, he thoroughly explored what is now Montana, the entire Yellowstone country, the heads of Snake river, Salt Lake, and Colorado and California. In 1833, he was placed in charge of a party for extending the business and establishing permanent posts on the northwest coast. In 1835, he was assigned to the New Caledonia district, now British Columbia, then embracing eight posts, with Fort St.



CAPT. HENRY ROEDER,

WHATCOM, W. T.

James on Stuart's Lake as headquarters. He there remained until 1844, when he went East upon a furlough. On his return, he was appointed senior member of the board of management west of the Rocky Mountains, consisting of himself and chief factors John Work and James Douglas. Dr. McLoughlin having retired, Governors Ogden and Douglas continued at Fort Vancouver until 1849, when the latter removed to Fort Victoria, on Vancouver Island. In 1852, Governor Ogden visited England, Canada and the United States. The writer spent several days with Governor Ogden at the National Hotel in Washington City, in the spring and summer of 1852. The old governor recounted, in his quaint and humorous manner, many adventures and experiences in the fur trade. At that time he was the most genial, companionable and interesting of old men, full of jokes, anecdotes and *bonhomie*. In the spring of 1854, he returned to Oregon. The steamer upon which he was passenger went ashore in a fog, just south of San Francisco. From this exposure and privation resulted a severe cold from which he never recovered. He reached Oregon, and died at the residence of his son-in-law, Archibald McKinlay, Esq., at Oregon City, on the 27th of September, 1854. Governor Ogden was of a most cheerful disposition, and possessed an amiable, equable temper. His subordinate officers and voyageurs looked up to him as a father. For him they would undergo any privation; with him they would willingly incur any danger. He was a natural leader of men. Simple-minded as a child, but of most determined character, nothing could daunt him. In the midst of greatest danger, he would have his jokes; and seldom did he betray anxiety or excitement, or allow his temper to become ruffled.

James Douglas (since distinguished as Sir James), the first and very efficient governor of British Columbia, was eminently worthy to be the *confrère* of McLoughlin and Ogden. Son of a West Indian planter, educated at Glasgow, Scotland, he entered the service of the North West Company in 1817–18 as an apprentice clerk. In 1835, having passed the different grades of clerkship, he was made chief trader. In 1840, he had attained to the rank of chief factor. His earlier services had been in the Athabasca country. Five years had been spent in New Caledonia, after which he served at Fort Vancouver till his promotion to the chief tradership. While book-keeper, it was part of his duty to conduct alternate seasons the overland express between Fort Vancouver and York Factory, on Hudson's Bay. In the performance of this duty, he several times crossed the Rocky Mountains. From the lowest position to the exalted one in which he added luster to the name of Douglas, every duty intrusted to him was conscientiously and well discharged. From apprentice, to governor of a wealthy province, he conferred honor upon each grade while occupied by him. He filled every station with dignity, and never forgot what was due to himself and to those who had placed their confidence in his management. He never acted upon impulse, but was always cool, wise, dispassionate and brave. He leaves a name illustrious in Pacific coast history, dear to the early settlers of Oregon, Washington and British Columbia. The American settlers of Puget Sound can never forget his generous response in the winter of 1851–2 in behalf of the Georgiana captives on Queen Charlotte's Island. In the Indian war that visited Washington Territory in 1855–6, Governor Douglas furnished the needed supplies, arms and ammunition to enable its people to make a defense, neglected as they were by their own government. He sent thither an armed vessel to co-operate with the territorial authorities in protecting the infant settlements of Puget Sound. The Indians were taught that in making war upon Americans they warred against the white race. The Indians learned, as did our people, that Douglas was a Christian and a white man in such a war. The savage was forever

disabused of his previous idea, that Indian hostility to the "Bostons" was meritorious in the sight of a "King George."

The most prominent of the corps of Hudson's Bay Company officials to whom was intrusted the management of its affairs in the Puget Sound country was Dr. William Fraser Tolmie. For a number of years before the advent of American settlers to that region, he had been in charge at Fort Nisqually, near Puget Sound. During the establishment of all the early settlements upon and in the vicinity of that marvelous inland sea, he continued in charge of that post. The large tracts of many square miles of land claimed by the Puget Sound Agricultural Company (whose agent he was), upon the Nisqually plains and Cowlitz prairies, brought him in constant contact with the settlers; but his firm and discreet conduct, his forbearance and even temper, disarmed open hostility and prevented combined opposition to his plans. He was respected for his loyalty to the company's claims, and his apparent real desire, as far as compatible with his relations to the company, to promote the best interests of the settler.

He was born at Inverness, Scotland, February 3, 1812. He received a liberal education in his native place, and at an early age commenced the study of medicine and surgery in the Medical College of Edinburgh. Having taken his degree, while yet under twenty-one years of age, he joined the service of the Hudson's Bay Company, embarked in the *Ganymede*, one of the company's vessels, for Fort Vancouver, where he arrived in August, 1833. Dr. Tolmie there commenced his career as clerk and medical adviser. At the time of his arrival, Governor Peter Skeen Ogden, chief factor, was fitting out an expedition for the purpose of establishing trading-posts up the northern coast to the Russian possessions. Dr. Tolmie was assigned to duty with this party as surgeon. Having returned to Fort Vancouver (1836), he performed the duties of surgeon of that post until 1841, when he was granted leave of absence, during which he visited his birthplace. Within the year he had returned to the company's service in North America. He took passage in one of the company's vessels to York Factory on Hudson's Bay, and, shortly after his arrival, journeyed overland to Fort Vancouver. Upon reaching that post, Dr. Tolmie was assigned to Fort Nisqually, having risen to the rank of chief trader.

American settlers upon Puget Sound, United States army officers on duty or who visited Fort Steilacoom, government officials on duty in the territory, persons passing through the country or transacting business on the sound, in fact, all who were here in early days, will cheerfully attest the genuine hospitality of Dr. Tolmie. He was ever the genial companion, the true-hearted gentleman. Perhaps of all persons in the country at that time best informed as to its resources, its facilities for travel, yet he was ever willing to impart information, and to give advice and assistance where necessary. During the Indian outbreaks occurring on Puget Sound previous to and leading up to the great conspiracy and war of 1855–6, he rendered most valuable services to the territorial authorities and the settlers of both Oregon and Washington in pacifying the Indians, or in bringing them to punishment for their misdeeds. Dr. Tolmie was a thorough and accomplished Indian linguist. He studied Indian dialects, Indian customs and characteristics *con amore*, but also as an auxiliary in the company's business. None more than he thoroughly understood Indian character; and to none more than he did the native population award respect and obedience. That influence which he had gained over the Indian mind was always used for the benefit of the company, and the white race. To the Indian he was like an affectionate father; when punishment became necessary, it was

so visited upon a malefactor, under his administration, that it rather served as a lesson than an act of retribution. The American settlers on Puget Sound were greatly indebted to him for his ever-ready willingness to investigate their grievances and, when deserved, to redress them. By judicious exercise of that power over the native population, he greatly assisted in the preservation of peace, saved the remote and weaker settlements from the horrors of Indian barbarity, and rendered the country safe for the American settler with his family to make a home upon Puget Sound.

He was a ripe scholar, an able writer, an indefatigable and methodic collector of facts and statistics; in brief, he was a good citizen and an honest man, true to himself, and to those in whose service he was enlisted,—true to his friends, true to, and sympathetic with, the Indians who looked up to him for protection and counsel, and who always trusted him; nor was that confidence reposed in him by the Indian ever abused nor misplaced in his quarter-century's intercourse with the tribes of Puget Sound.

He was a thoroughly moral man, of irreproachable personal habits and amiability of disposition. He loved mankind and the lowly of earth. He hated oppression, and was an abolitionist. He despised any influence which dragged down humanity; and the cause of temperance found in him a staunch and consistent advocate, without cant or hypocrisy in his manly nature. He practiced what he preached. In his family he not only set a good example to his numerous offspring in forbidding the use of intoxicants, but in his walk through life himself consistently abstained. It was his conviction that the use of liquor was hurtful to health and promotive of vice and disease. Such being his belief, he was the ardent and consistent advocate of temperance. Those who were honored by being of his circle of friends will hear with painful surprise that he was ever charged with professing a code of morals, as proper for other men, which he himself violated (1).

Shortly after the Fraser river excitement had made Victoria a growing British emporium of Northwest America, Puget Sound lost him as a citizen. He went to Vancouver Island in 1859, and continued in the service of the Hudson's Bay Company until 1870. Dr. Tolmie served his fellow citizens of British Columbia in the colonial legislature, and held numerous offices of honor and trust, in all of which he acquitted himself with credit and to the satisfaction of the people. Much of his later life was devoted to literary labor,—to his favorite investigation of Indian dialects and customs. He found time to exhibit a spirit of enterprise. He labored to benefit his neighbors, and was highly esteemed by the community in which he lived. Full of years and beloved by all, this philanthropist, friend of the Indian and of the early American settler, went to his rest at the ripe age of three-quarters of a century.

Other officers of the Hudson's Bay Company earned distinction by meritorious service, and entitled themselves to grateful remembrance for hospitality, kindness and assistance to our fellow-countrymen. In our sister province of British Columbia, several of them subsequently acquired distinction in affairs of state. Let a few be named who never lost their interest in the territory so long their home: The veteran Archibald McKinlay, Esq., who held Fort Walla Walla from 1841 to 1846, so well known and highly esteemed by ancient Oregonians, is rounding off an eventful and useful life at Lac la Hache, in British Columbia; Alexander C. Anderson, who half a century ago was on duty on the Columbia river and upper coast, a painstaking writer of distinguished learning and ability, long recognized as the oracle of the history of those early times; George B. Roberts, who

(1) See Hubert Howe Bancroft's Works, Vol. XXXII, History of British Columbia, page 393.

served the company so zealously and well, long before Americans began to settle in Oregon, long the respected Probate Judge of Wahkiakum county, who resided at Kathlamet. Of those venerable men, McKinlay alone survives.

"They were men, take them for all in all,
We shall not look upon their like again."

Of those who rose to the rank of chief factor, chief trader or even clerk, instances are rare of retirement from the company's service to settle in the country. But those who were termed servants, including the farmers, dairymen and men-of-all-work who constituted the enlisted employés, after having served their full term of five years and probably a re-enlistment, became settlers of Oregon. Of these, many were natives of Scotland and the Orkney Islands; the remainder were Canadian trappers and voyageurs. This latter class, when retired, as already stated, located upon French Prairie, in the Willamette valley, and upon Cowlitz Prairie; a very few settled upon the Steilacoom Prairie, near Puget Sound.

The number of British subjects in Oregon as then defined, employés of the Hudson's Bay Company and its retired servants, approximated twelve hundred.

French Prairie, about sixty miles south of the Columbia river, bounded on the west and north by the Willamette river, was the first permanent settlement in the Willamette valley, or with perfect propriety it might be said, in Oregon Territory, *i. e.*, that vast region west of the Rocky Mountains, bounded south by the California boundary, forty-two degrees, and north by the Russian line, fifty-four degrees, forty minutes. Étienne Lucier was the first settler. He had been a trapper, who had come to Oregon in 1811, in the overland party of John Jacob Astor's Pacific Fur Company, commanded by Wilson P. Hunt, one of the partners. His first settlement was on the east side of the Willamette, opposite to where Portland now stands. There he remained for several years, when, in the fall of 1827, he took the tract on French Prairie, and became the pioneer of that settlement. Before the spring of 1830, the free trappers (those who were engaged in trapping, not enlisting in the service of the Hudson's Bay Company) had selected farms upon the French Prairie. Several of the old retired servants of the North West Company had also made settlements.

From the parish register of St. Paul's church, which contained the names of early settlers of French Prairie, their birth, age, and date of death, Hon. Willard H. Rees, in his most valuable annual address upon "The Early Settlements and Settlers of French Prairie," delivered at the Pioneer's Annual Reunion of Oregon, 1879, gives a most interesting extract, furnished by Rev. B. Delorme, pastor: "Francis Quesnel, died 1844, aged 65 years. Philip Degie, born at Sorel, Canada, 1739, died February 27, 1847, aged 108 years. This oldest inhabitant first crossed the continent with Lewis and Clark in 1805. Francis Rivet, died September 15, 1852, aged 95, first came to Oregon with Lewis and Clark. William Cannon, born in Pennsylvania in 1755, died in 1854, aged 99 years. Étienne Lucier, died March 6, 1853. Lewis Labonte, died in 1860, aged 80 years. Joseph Gervais, died July 13, 1861, aged 84 years. (Cannon, Lucier, Labonte and Gervais were free trappers, and together came to Oregon, in 1811, in Wilson P. Hunt's overland party.) Francis Dupra, died 1858, aged 99 years. Andrew Longtain, born in 1782, died in 1879, aged 97 years." Of this pioneer settlement Mr. Rees eloquently remarks: "French Prairie, comparatively limited in extent, is nevertheless a prolific field abounding in many stirring and important events in connection with the early history of Oregon. Here have



HON. CHAS C. TERRY.

SEATTLE. W.T.

lived and now lie buried two of that gallant band of pioneers who, with Lewis and Clark, in 1805, followed the waters of the Columbia from their sources to the uttermost limits of the west. Here were the homes of Gervais, Lucier and Cannon, and, on the west side of the river, Labonte and La Framboise, four Canadians and two Americans, all Astor men, who came to Oregon with Captain Hunt in 1811, some of whom were with Sir Alexander Mackenzie, 'the first white man who ever crossed the Rocky Mountains.' In later years (with the exception of La Framboise), these five free trappers were the first to introduce the civilizing arts of husbandry in the valley of the Willamette. Here the pioneer missionaries first proclaimed the salvation of the cross to the native tribes. Here, too, in 1841, were held the first political meetings which eventuated, in 1845, in giving to the whole people of the territory a provisional form of republican government, a work of Oregon pioneers, the history of which must endure while the 'River of the West' shall continue to roll his waters to the briny deep."

In the fall of 1830, the first servants of the Hudson's Bay Company, retired by Dr. McLoughlin, had commenced settling upon French Prairie. These servants, Canadian French, were married to native women; and some were about to have united themselves to the native tribes to which their wives belonged. Through the influence of Dr. McLoughlin, such scheme was abandoned; and they were induced to take claims and cultivate farms.

Some of these retired servants had also about this period commenced to occupy lands adjacent to the farms of the Hudson's Bay Company, upon the Cowlitz Prairie, north of the Columbia river.

While Dr. McLoughlin was thus encouraging the retired servants to engage in agriculture on French Prairie, he himself, in 1829, commenced the erection of a saw-mill at Willamette Falls (now Oregon City). The employés engaged in getting out the timbers wintered there in 1829–30. Progress was made in blasting out a mill-race, four houses were built, and the timbers prepared for the saw-mill and a store.

Chapter XXIII.

(Ante 1836.)

American Settlements — Personnel of Independent Residents of Oregon — First Expedition of Captain N. J. Wyeth — First School West of Rocky Mountains — Second Expedition of Captain Wyeth — Ewing Young and Hall J. Kelly — Immigrants of 1835.

PREVIOUS to the establishment of the Oregon Methodist Mission in the Willamette valley, exclusive of those whose presence might be attributed to the Hudson's Bay Company, there were not to exceed fifteen white inhabitants, west of the Rocky Mountains and between forty-two and fifty-four degrees, forty minutes north latitude. Those were persons who had remained from vessels which had entered the Columbia river, or had come from the Rocky Mountains or California. They were mountain men, trappers or adventurers and sailors. As a general rule, they were married to native women.

(1832.) Of the overland party of Captain Nat. J. Wyeth, of Massachusetts, ten remained after Wyeth's return in 1833, to Boston, of whom Solomon H. Smith, John Ball and Calvin Tibbetts settled in the Willamette valley. On the 1st of January, 1833, John Ball opened a school at Fort Vancouver, for Indian and half-breed children. He continued teaching until March, and was then succeeded by Solomon H. Smith. This was the first school taught west of the Rocky Mountains.

(1834.) Of Wyeth's party of 1834, there settled in the Willamette, James A. O'Neill, Thomas J. Hubbard and Courtney M. Walker. In November, came Ewing Young and Hall J. Kelly, with a party of eight others, among whom was Captain Joseph Gale, afterwards one of the executive committee or board of three governors of Oregon, under the first Provisional government.

Of American names connected with this period of Oregon settlement, none are more notable than those of Ewing Young and Hall J. Kelly.

Ewing Young was an adventurer of great force of character. Kelly was a visionary enthusiast. The latter, *en route* to Oregon *via* Mexico and California, met Young at Monterey, and induced him to come to Oregon. Young brought a herd of California mares and horses. He erected a dwelling on the Willamette river opposite Champoeg, the first house built upon the west side by an American. He entered Oregon under a cloud, attributed to the circumstance that in the party were reckless characters, who, after the California settlements had been left, returned to ranches and drove off horses. When those depredations had become known to Figueroa, Governor-General of California, and that the destination of Young and his party was Oregon, that official denounced them as horse thieves.

The Hudson's Bay Company's sloop *Cadboro* was then at Monterey, bound for Fort Vancouver. By this vessel, Governor Figueroa notified Governor McLoughlin of the coming to Oregon of this party, accusing them of having stolen horses. The sloop

had arrived at Fort Vancouver before Young and his party. The charge of horse stealing had preceded Young's arrival. Dr. McLoughlin says: "I refused to have communication with any of the party. Young maintained he had stolen no horses, but admitted that others had. I told him that might be the case; but, as the charge had been made, I could have no dealings with him till he cleared it up. But he maintained to his countrymen, and they believed that, as he was a leader among them, I acted as I did from a desire to oppose American interests."

Courtney M. Walker, in a paper of the proceedings, 1881, of the Oregon Pioneers, characterizes Ewing Young as "a very candid and scrupulously honest man, thoroughgoing, brave and daring." He writes: "Mr. Young being in want of some supplies, and having a few beaver skins, sent them to Fort Vancouver to exchange for his supplies. But Dr. McLoughlin having been apprised, by no less authority than the Governor-General of California, that Young was at the head of banditti, refused to purchase the beaver, but sent Mr. Young the articles which he had wished to purchase, besides sending him several articles of refreshments for his table. But when the articles came, Young indignantly refused to receive the goods or refreshments, but went in person to Vancouver. The Doctor satisfied Mr. Young that he could not, being at the head of a company trading directly with California, have acted otherwise than to have given credence to the charge by the Governor of California. On the return of the *Cadboro* to California, Dr. McLoughlin wrote to the Governor of California, as also did Mr. Young. The ensuing fall the Governor wrote to Dr. McLoughlin and Mr. Young, withdrawing the charges against Young, and regretting the occurrence."

Mr. Walker refers to Hall J. Kelly and the hospitable attentions to him at Fort Vancouver, and the free passage to the Sandwich Islands. He then observes: "On Mr. Kelly's arrival at Boston, he published an account of his travels, and dwelt with a good deal of severity upon the officers of the Hudson's Bay Company, and how he and Young had been treated. This pamphlet was sent to the United States' Consul at the Sandwich Islands, who was instructed to make the necessary inquiries about Young and other citizens on the Columbia. About this time Lieutenant W. A. Slacum, United States Navy, arrived at Oahu; and the United States' Consul chartered a little brig and got Lieutenant Slacum to come and see, etc." (This was in the winter of 1836.)

This article of Walker possesses value, as it doubtless gives Young's version of his interview with Dr. McLoughlin. It also exhibits the view entertained by early settlers, of the purposes of the mission of Purser William A. Slacum, United States Navy, special agent appointed by President Jackson.

Hon. M. P. Deady, foremost among reliable and painstaking collectors of the historic data of early Oregon, thus wrote in 1867 of Ewing Young: "He was a man of mark, fond of adventure, and endowed with force of character. He was a native of Tennessee. At an early age we learn of him in New Mexico, where he married a native woman, by whom he had a son, Joaquin Young. For some reason, he left his Mexican partner and progeny *sans ceremonie*. In the summer of 1834, at Monterey, he was induced by Hall J. Kelly, of Boston, to accompany him to Oregon. The party arrived at Vancouver in October, 1834. Mr. Kelly's health failed him, and he soon returned home by the way of the Sandwich Islands. Young settled in Yamhill county, where he died in the winter of 1840–1. He left no relations in the country, nor in the world, so far as was then known. He died intestate, and left what was considered a large estate. This circumstance, and the necessity of providing for the disposition of this property, led

to the first attempt to form a Provisional government in Oregon. A committee, chosen at Young's funeral, called a mass meeting of the inhabitants of Oregon south of the Columbia river to be held at the Methodist Mission in the Willamette valley, on the 17th and 18th of February, 1841, to take steps for the government of the community, and to provide for the disposition of the estate of Ewing Young.

"The meeting was held pursuant to call, and comprised nearly all of the male adults south of the Columbia. It was fitly called 'The Primary Meeting of the People of Oregon.' The Rev. David Leslie acted as chairman. The meeting, after electing officers, adjourned to meet on Thursday, June 11, 1841.

"The Provisional authorities took possession of the Young estate. In the message of the Executive Committee to the Legislative Committee, dated Willamette Falls, December 15, 1844, and signed Osborne Russel and P. G. Stewart, it is stated that the estate had been settled; and the net proceeds amounted to the sum of $3,734.26, which sum had been loaned to various individuals.

"December 24, 1844, the Legislative Committee passed an act directing the funds of the estate to be collected and paid into the treasury of the Provisional government, pledging the faith of the government that the same should be refunded whenever claimed by the heirs or creditors of Young. By the same act, $1,500 of the funds of the estate were appropriated for the building of a jail at Oregon City. The jail was duly erected, but after some years was destroyed by fire. This was probably the first jail west of the Missouri. So it may be said that the early Provisional government in Oregon grew out of the death of Ewing Young, and that its treasury was first filled from the funds of his estate."

For Hall J. Kelly, merit has been claimed for inviting attention to the American colonization of Oregon. He was born in Gilmanton, New Hampshire, in 1789. In 1827, then teacher of a public school in Boston, he had become zealously interested in the territory west of the Rocky Mountains. He addressed a memorial to Congress, urging "the founding of a new republic of civil and religious freedom on the shores of the Pacific Ocean, and extending the blessings of Christianity to the Indian tribes."

Until 1828–9, his colonizing efforts were restricted to lecturing, memorializing State Legislatures and Congress, and through the public journals. He made several abortive efforts to organize a colony to proceed overland to the territory. From 1820 to 1831, he devoted his time to procuring a charter from the Massachusetts Legislature. At the session of 1830–31, he secured the incorporation of "The Society for Encouraging the Settlement of Oregon Territory." A large number enrolled to go to Oregon; two only, John Ball and Calvin Tibbetts, who accompanied Captain Wyeth on his first expedition, ever reached Oregon.

Kelly then made an ineffectual effort to send a party by sea to Puget Sound. With a small party, he went to the City of Mexico *via* Vera Cruz, and thence to California. His party having abandoned him in Mexico, with a single companion he overtook a part of the trapping party of the Hudson's Bay Company, about 200 miles from San Francisco, returning to Fort Vancouver. Joining them, in a few days the remainder of the party were overtaken, with whom was Ewing Young.

The treatment which Ewing Young received at Fort Vancouver has been related. Dr. McLoughlin says: "I treated all of the party in the same manner as Young, except Kelly, who was very sick. Out of humanity I placed him in a house, and attended on him till he left in 1836, when I gave him a passage to Oahu in one of the company's vessels.



MAJOR JAMES BRUCE,
BENTON CO.,OR.



HON. B. F. BURCH,
POLK CO.,OR.



ARCHIBALD Mc KINLEY,
LAC LA HASCHE B.C.



HON. J. W. NORVAL,
SUMMERVILLE,OR.



HON. RUFUS MALLORY,
PORTLAND, OR.

On his return to the States, he published a narrative of his voyages, in which, instead of being grateful for the kindness shown him, he abused me and falsely stated that I was so alarmed with the dread that he would destroy the company's trade that I had kept a constant watch over him. This was published in a report made by him to the United States Congress."

Kelly, having returned to Massachusetts, devoted much time to publishing matter relating to the climate, soil and advantages of Oregon. Session after session, he labored to secure a congressional grant of land in Oregon in remuneration for his services in behalf of the colony, but failed. Some charitable friend, noticing his death, which occurred on the 20th of December, 1873, thus refers to his latter life: "Doomed and disappointed, poor and needy, unable to stem the adverse tide, he became so irritable as to drive his wife and family from him. Having a small house and a little land, heavily mortgaged, he has lived for more than twenty years a hermit's life, brooding over his troubles. His mind partially gave way; and for years, in every little trial even down to his last hours, he traced, through every unfriendly act or annoyance, the persecutions of the Hudson's Bay Company, through their emissaries, who, he believed, still followed him with relentless hostility, because of his early efforts in colonizing Oregon. No efforts of friends or relatives could induce him to leave his hermitage on the side of the hill facing the common at Three Rivers, though they offered him a good home and the comforts of life."

For 1835, a single expressive quotation from the memoranda of Dr. McLoughlin exhibits the character and progress of settlement: "Five English and American deserted sailors, having lost two of their number murdered by Indians, made their way from California to Willamette."

Chapter XXIV.

(1834–1844.)

The Oregon Methodist Mission—Visit of Flathead Indians to St. Louis, Asking Missionaries—Formation of Oregon Methodist-Episcopal Mission—Rev. Jason Lee and Associates Journey to Oregon, 1834—Establishment of Mission in Willamette Valley—Schools Established at Willamette and Fort Vancouver—Missionary Efforts to Christianize Indians—Arrival of Dr. Elijah White, Rev. David Leslie and Others—Status of the Mission—It Abandons the Indian Work—The Oregon Institute Founded—Prominent in Every Popular Enterprise—Rev. Jason Lee Succeeded by Rev. George Gary—Character of the Mission Changed—Effects of Presence of Methodist Mission in Oregon.

IN THE fall of 1832, four Flathead Indians accompanied a returning party of Rocky Mountain trappers to St. Louis. Two of the number had died in that city; and the two survivors started upon their return, but never reached their people. These Indians had communicated to General William Clark, then residing at St. Louis, that they had been sent East by the chief men of their tribe to solicit that the "word of God" might be taught to their people. The publication that such an appeal had been made, the wearisome journey to carry the petition, the tragic fate of the messengers from the knowledge-craving tribe, invoked the zealous interest of religious denominations; it created at once a sensation in missionary circles. Wilbur Fisk, D. D., President of Wesleyan University, eloquently urged immediate response. The Board of Missions of the Methodist-Episcopal Church invited laborers. Rev. Jason Lee and his nephew, Daniel Lee, of Stanstead, Lower Canada, members of the New England Conference, volunteered; and the former was appointed Superintendent of the Oregon Mission.

(1833.) The Board, October 16th, appropriated three thousand dollars for an outfit, and authorized the employment of two lay members. The Messrs. Lee repaired to Boston to consult Captain Wyeth, who had but lately returned from Oregon. That gentleman was about dispatching the brig *May Dacre* to the Columbia river; the next season he proposed to lead a party across the continent. Thus was afforded the opportunity to ship their outfit and to travel overland with a safe escort. Cyrus Shepherd, of Lynn, Mass., and P. L. Edwards, of Richmond, Mo., were selected as lay members; and Courtney M. Walker, of the latter place, had been hired for one year.

(1834.) On the 28th of April, the missionaries left Independence, Mo., with Captain N. J. Wyeth's second Oregon expedition, and on the 13th of September reached Fort Vancouver. The *May Dacre* had already arrived and was lying in the Columbia, near the mouth of the Willamette. The purpose had been to establish this mission among the Flatheads; but Superintendent Lee counseled with Dr. McLoughlin, who urged that, to accomplish anything with the Indians, their establishments must be where they could collect the Indians around them. They could teach them to cultivate the ground and live

more comfortably than by hunting. While doing this, they should teach them religion. He suggested that the Willamette valley was the proper field; and his recommendations were adopted.

Having received their supplies, leaving Mr. Shepherd at Fort Vancouver on account of sickness, the Lees, Mr. Edwards and Mr. Walker ascended the Willamette river sixty miles. On the 6th of October, upon the east side of the river, they established the first mission station in Oregon. Their building, thirty-two by eighteen feet, was ready, November 3d, for occupancy. A manual-labor school was immediately opened for Indian children.

(1835.) A similar school had been established by Mr. Shepherd at Fort Vancouver, and continued till spring, when he joined the mission. In October, Rev. Daniel Lee, impaired in health, visited the Sandwich Islands; and Mr. Edwards took charge, during the winter, of the mission school at Champoeg.

(1836.) The increased number of scholars required additional buildings. At this time missionary efforts were largely devoted to preventing the introduction of ardent spirits into the Willamette valley and among the Indians.

The Oregon missionary undertook to teach the gospel to a savage race who had neither knowledge nor conception of christianity. The Oregon Indian had accustomed himself to the presence of the trader, the trapper and the sailor; but such intercourse was transient; nor was its purpose moral or mental improvement. The missionary was the first to teach, to christianize, to civilize. His was the herculean task of transforming Indian character, of mollifying savage nature, of preparing the Indian mind for the presence of a superior name with entirely variant purposes of life. To an unappreciative people, the missionaries urged the adoption of an aggressive civilization content only with supplanting every custom, tradition and characteristic of that people. To accomplish any result in such a field, the missionary must tangibly demonstrate to the savage the advantages which attend Christian conduct. The Indian must be convinced that the daily life of the white men under Christian influences exhibited evidence of a higher scale of happiness than he enjoyed. Missionary duty also found fruition in adapting the country for the homes of civilization. To successfully accomplish such results, how plausible the theory that the mission required to be self-sustaining and independent. Within itself should exist the ability to subsist its members. People to whom it ministered should be dependent upon it,—should look up to it and should co-operate with it. The Methodist Board, recognizing this policy, as promptly reinforced its Oregon Mission as the means of communication afforded.

In May, Dr. Elijah White and wife, William H. Wilson, Alanson Beers and wife, Misses Downing and Johnson, arrived at the mission (1). They had sailed from Boston in June, 1836, in a whaling vessel, and reached the Sandwich Islands, where they were delayed several months waiting for a passage by a Hudson's Bay Company's vessel to the Columbia river.

In September, the mission was further strengthened by the arrival of Rev. David Leslie and family, Rev. H. K. W. Perkins and Miss M. J. Smith. On Christmas, a general meeting was convened; and the Oregon Missionary Society was formed. A new station at The Dalles, among the Wasco Indians, to be called Wascopam, was ordered, to which was assigned Revs. David Leslie and H. K. W. Perkins. Superintendent Lee was selected to go East and solicit aid and additional missionary force.

(1) On the 16th of July, Rev. Jason Lee married Miss Ann Maria Pitman, and Cyrus Shepherd married Miss Susan Downing. The ceremony was performed by Rev. Daniel Lee in a grove in front of the Mission House.

(1838.) On the 26th of March, leaving the mission in charge of Rev. David Leslie, Rev. Jason Lee started East accompanied by P. L. Edwards, a Mr. Ewing of Missouri, and two Chinook Indians (1).

With the two Indians he reached New York in the fall. The Methodist Board resolved (November 6th) to send five additional missionaries, one physician, six mechanics, four farmers, a steward and four female teachers.

During the winter of 1838–9, missionary meetings were held by Lee and his Indian companions through the Northern States. Including appropriations made by the Board, over forty thousand dollars were contributed. Agricultural implements, a saw and grist mill, trading goods, a complete outfit for a colony, were purchased. On the 9th of October, 1839, the reinforcement, consisting of fifty-two persons, sailed from New York in the ship *Lausanne*, Captain Spalding: Revs. Jason Lee and J. H. Frost, A. F. Waller, W. W. Kone, L. H. Judson, Josiah L. Parrish, J. P. Richmond, M. D., and Gustavus Hines (2), preachers; Dr. I. L. Babcock, physician; George Abernethy (3), steward and accountant; Messrs. W. W. Raymond, H. B. Brewer, James Olley, H. Campbell, and their families; Misses Ware, Clark, Phelps and Lankton, teachers. In the colony were sixteen children. During this year, Rev. David Leslie and William H. Wilson established a station near Fort Nisqually on Puget Sound. The *Lausanne* arrived at Fort Vancouver on the 1st of June, 1840. On the 13th, a general meeting of the mission was held. Dr. Richmond was assigned to Nisqually, Mr. Frost to Clatsop, Messrs. Hines and Kone to the Umpqua country. Dr. Babcock was located at Wascopam. The mission colony now numbered seventy-five, twenty of whom were children. That the founders of the Oregon Methodist Mission were actuated by the philanthropic motive of civilizing and christianizing the native population, is apparent. That the Missionary Board duly appreciated the remoteness of the territory, the difficulty of obtaining supplies, and necessary dependence on the Hudson's Bay Company, are manifest in the liberality in reinforcing this mission. That the missionaries selected were prompted by similar laudable motives may be charitably believed. The Oregon Mission entered upon its career, embracing men of ambition, men of force, men who could and did see a great future for Oregon, if erected into an American State.

A foreign corporation was their neighbor, exercising control over the Indian population, as also over the majority of the white population then present in the territory. The one was British and worldly, the other American, claiming to be actuated by higher, holier, purer motives. So long as the mission confined itself to religious and educational pursuits,—so long as it continued missionary in its labors,—it enjoyed the sympathy and received the direct aid and support of the Hudson's Bay Company.

Indian civilizing soon ceased to be an occupation of the mission. The work changed to ministering to the white settlers who were gathering in the Willamette valley. As the mission strengthened in influence with those settlers, its power became a political lever as much as moral agency. The missionaries had commenced their labor in the education and care of Indian children. Time and money had been liberally expended, at first with seeming assurance of success. The building of the enlarged mission schoolhouse in 1842, at an expense of ten thousand dollars, had been succeeded by a remarkable mortality of Indian children. A number of them died, which occasioned a number to run away, and

(1) On the 26th of June, 1838, Mrs. Jason Lee gave birth to a son,—Oregon's first-born American white male. On the 27th, mother and child became occupants of one tomb,—brief but sad chronicle of the birth and death of an Oregon first born,—the first death of a woman of our race west of the Rocky Mountains.

(2) The historian of the Oregon Mission,—author of a most entertaining narrative of the missionary voyages.

(3) Governor George Abernethy, of the Oregon Provisional Government, 1845-6.

the parents of others to withdraw their children. The attempt to educate the Indian youth had received its quietus. As the only rational hope of transforming an Indian is in alienating him while a youth from Indian customs and traditions, so, by the refusal of Indian youths to submit to missionary teaching, Indian civilization ceased to be a part of missionary labor. The missionaries continued to receive and instruct those Indians who would receive instruction; but their efforts being unappreciated by the native, they turned their active attention to the American settlers,—the white population who had commenced the transformation of Willamette valley into an American community. Here were their own race engaged in mechanical branches, in cultivating the extensive mission farms, in caring for their rapidly increasing stock of cattle and horses The mission had developed into a wealth-producing community. Its power was to continue by its acquiring and retaining influence with the increasing population. It had become a candidate for popular favor. From its farms, stores and granaries, it could furnish sustenance, supply necessary implements for the pursuit of husbandry or mechanical vocations. It could not only furnish employment, but could supply its employés with all the necessaries of life. The community was as dependent upon it for temporal wants as for spiritual food. The reinforcement of 1840 no longer meant Indian mission; it was colonization, power,—moral, social, political.

The world will harshly criticise those who, having dedicated themselves to a service which required self-denial and sacrifice, abandoned such for more tasteful or more profitable employment, even though the latter proved more practicable of good results. The erection of mills, the successful pursuit of trade, the cultivation of lands, the holding of office, are all benefits to our race, and are also sources of wealth. But such pursuits will not be accepted as missionary labor. Large tracts of land had been taken by the mission for itself; and each member had located his section of land. The mission supported a large force of employés. The country was without established government or laws; there was no agency to restrain lawlessness but the presence of the missionaries. It was a recognized associate governing power; and the settler early learned to look up to the mission, to respect its authority, to defer to its leading members. Nor was it slow to assume authority thus voluntarily acknowledged, to exercise that control to which the settler had voluntarily submitted. Thus its members acquired influence in the community. If greed for gain or personal ambition may have prompted some to use that power inconsistently with the precepts of the Gospel which they were sent to Oregon to impart to the Indians, the individual should be condemned; the mission should only be censured where it participated in the wrong, shared in the profit, or suffered such wrong to pass unrebuked.

Located in the Willamette valley, the mission became the nucleus of American settlers. It sympathized with them. Its leading members mingled with the people. The mission molded public opinion. As the country increased in population, its purposes materially changed. Education became a subject of vital popular interest. The little community looked to the mission for educational opportunities. Jason Lee called a meeting at his residence on the 17th of January, 1842, of the members of the mission and all friendly to education. Dr. Babcock and Revs. Leslie and Hines were appointed to report a plan for an institution of learning. On the 1st of February, 1842, an adjourned meeting was held at the Oregon Mission House. Friends of education, irrespective of sect, participated, prominent among whom was Rev. Harvey Clark, Congregationalist. Thus and then was inaugurated the OREGON INSTITUTE.

It was to commence as an academical boarding school, to be converted as early as practicable into an university. Although designed for white children, a person of color who produced a certificate of good moral character, and could read, write and speak the English language, could gain admission. It was to be placed under the supervision of some evangelical branch of the Protestant Church. Until such denominational character should be ascertained, subscribers of fifty dollars and upward were authorized to transact the business. A fifty-dollar subscription conferred the right to participate in meetings of business. Five hundred dollars entitled its subscriber to a perpetual scholarship. When subscriptions should amount to four thousand dollars, buildings were to be erected. Subscriptions were payable, one-third cash, and the remainder in cattle, lumber, wheat, or property delivered at the institute at market prices. Money was then unknown in Oregon. Cash meant accepted orders either upon the mission at Oregon City, or upon the Hudson's Bay Company at Fort Vancouver. Four thousand dollars were promptly subscribed. On the 26th of October, 1842, the Methodist-Episcopal Church of Oregon pledged itself to sustain the Oregon Institute; and thus it became a Methodist institution.

On the 29th of May, 1843, the subscribers to the institute met at Wallace Prairie, the selected site. Previous proceedings were ratified, and the Oregon Institute was formally transferred to the Methodist-Episcopal Church of Oregon. By November 16th, 1843, the buildings had been erected at a cost of three thousand dollars, under the supervision of William H. Gray, General Superintendent and Secular Agent.

At the first annual meeting of the Trustees, Rev. Jason Lee was elected President, and selected as agent to visit the Atlantic States to solicit funds and donations for a library, apparatus and other educational appliances.

The mission and its prominent members zealously entered into all popular enterprises. By establishing the institute, it had commended itself to popular sympathy and support. Any secular work which promised benefit to the masses, or wealth or influence to the mission, was sure to secure its hearty co-operation, the direct assistance of its leading spirits. In its earliest days, it had been the prime agency in stocking Oregon with cattle. If a mill was needed, it supplied the capital and skilled operatives for its erection. If a store was to be established, it furnished the goods. Its prestige was invoked against the competition of the Hudson's Bay Company. In the spring of 1841, Ewing Young, an independent settler, died without any relative in the territory. He had amassed considerable property. How was it to reach his legal heirs or representatives? Unconnected with either Hudson's Bay Company or the mission, in the absence of laws providing for the settlement of estates, who was to take the custody of his effects? The mission and its members were willing to adopt a code of regulations to establish law and order, to submit to lawful authority, to empower the will of a majority to be exercised in a system of government.

Then, as at every succeeding attempt of the American settlers of Oregon to adopt some form of government, the Methodist missionaries, clergy and laity, took a prominent part. They molded the political issues of those days, and were the popular leaders. There were, however, a series of tolerated acts which reflect no credit upon the mission. The investigation ordered by the Methodist-Episcopal Missionary Board, the result of that investigation, and the action of the new superintendent, are tacit condemnations of the worldly and financial policy of the Oregon Mission.

Dr. Elijah White had been dismissed in 1840, and returned to the States. Oral and written complaints against the superintendent had followed. It was charged that the

Board had been misled as to the number of Indians in the territory, in consequence of which misrepresentations, a much greater number of missionaries had been sent and maintained than was necessary. There was delay in making report of the manner in which the large appropriation to the reinforcement of 1840 had been disbursed. As a consequence, the Board, on the 19th of July, 1843, recommended to the bishop in charge of foreign missions an investigation of the financial concerns of the Oregon Methodist Mission. Bishop Hedding appointed Rev. George Gary, of Black River, New York, superintendent of the Oregon Mission. Unaware of this hostile action, without notice to the accused of pending charges, Rev. Jason Lee had, during the fall of 1843, started for the east *via* the Sandwich Islands to solicit funds for the Oregon Institute. Rev. Gustavus Hines was to have accompanied him. They had arrived at Honolulu, where, awaiting a vessel bound for the United States, they learned that Mr. Lee's successor was *en route* to Oregon. A passage for only one offering, to Mazatlan, was embraced by Lee, who from thence proceeded *via* Vera Cruz to New York.

Rev. Gustavus Hines returned to Oregon, where he arrived April 23, 1844. The annual meeting of the mission was held, Rev. D. Leslie acting as superintendent. Leslie was assigned to the Willamette settlement, Hines to Tualitan Plains, Parrish to Clatsop, and Perkins to The Dalles. Rev. Dr. Richmond and Revs. Kone, Frost and Daniel Lee had previously abandoned the mission and had already returned to the East.

The only Indian mission was at The Dalles. The four appointments, the mission school and the several secular departments now constituted the Oregon Methodist Mission. Superintendent Gary shortly arrived. He was vested with unlimited discretion and full powers to continue the mission as conducted, or abolish its secular character.

Superintendent Gary called a meeting of all the missionaries, ministers and laymen. The result was a decision to sell the Clatsop mission farm and stock. The lay members were discharged, except H. B. Brewer, at The Dalles. They were allowed a sum sufficient to enable them to reach the eastern States, or, if they elected to settle in the country, an amount in property equal to such traveling expenses. Dr. Babcock returned to the States; all the rest became settlers.

The Oregon Mission Manual-Labor School still remained undisposed of. It had been erected at an expense of ten thousand dollars. Superintendent Gary called a meeting of the Oregon Methodist-Episcopal Church June 26th, at the mission schoolhouse, to determine what disposition should be made. It was resolved to abandon it. Superintendent Gary sold the property to the trustees of the Oregon Institute for four thousand dollars. The Oregon Institute farm found a purchaser; and the Oregon Mission Manual-Labor School became the Oregon Institute. Thus terminated the colonial character of the Oregon Methodist Mission.

Rev. Mr. Perkins left for the East in the fall. The Oregon mission after ten years of existence numbered four preachers, viz.: Superintendent Gary, David Leslie, A. F. Waller and Gustavus Hines. The latter remarks: "The finances of the Oregon Mission were thus summarily brought to a close; and the mission was not only relieved of a ponderous load, but assumed a decidedly spiritual character."

The presence in Oregon of the Oregon Methodist Mission had not materially contributed to the temporal or spiritual advancement of the native population of Oregon. As a civilizer or christianizer of the Indians, it was a failure. But to the future of Oregon, its presence was salutary. Reports to missionary boards gave valuable information of the

country, its soil, climate and resources. The support of the Provisional government fused the American element and hastened the extension of Federal jurisdiction over the territory.

As an Americanizer, as an impresser of Oregon social life by the establishment of churches and schools, its agency in colonization was lasting and incalculable. The Oregon Mission became the Oregon Conference, a wholesome adjunct, but not a factor in settlement. From a little mission party of four, it had become the Methodist-Episcopal Church of Oregon.



RICHARD CORBALY.

SPOKANE FALLS, W.T.

Chapter XXV.

(1835–1848.)

Establishment of the Oregon Mission, Under the Auspices of the American Board of Commissioners of Foreign Missions.

THE American Board of Commissioners of Foreign Missions, chiefly sustained by Congregationalists, furnished support to missionaries connected with Presbyterian, Congregational and Dutch Reformed Churches. Its Oregon Mission embraced the Indian tribes east of the Columbia river. Its several stations or branches were established among the Cayuse, Nez Perce and Flathead nations. In the spring of 1834, the Board appointed Rev. Samuel Parker, Rev. John Dunbar and Samuel Allis, Jr., to make an exploring tour "among the Indian tribes near or beyond the Rocky Mountains." If impracticable to proceed so far that year, they were to visit the Pawnee nation, on Platte river. They left Ithaca, New York, May 5, 1834, and arrived at St. Louis on the 23d, too late to accompany the annual caravan of the American Fur Company. Messrs. Dunbar and Allis continued their journey to the Pawnee country. Mr. Parker returned to the East.

(1835.) Marcus Whitman, M. D., having been associated with Rev. Samuel Parker, the latter left Ithaca on the 14th of March, 1835, reaching St. Louis April 4th, where Dr. Whitman awaited him. The missionary explorers crossed the plains and Rocky Mountains with the annual caravan of the American Fur Company; and on the 12th of August they reached Green river. The missionaries remained together several days, meeting a large number of Indians. Nez Perce and Flathead chiefs, to whom were explained the designs of the American Board, enthusiastically welcomed the coming of missionaries and teachers, and desired that religious instructors might be sent to their country to establish missions among them. Both missionaries concurred in the opinion, that there was a promising field beyond the Rocky Mountains; both assured the Indians present that their wishes should be gratified.

On the 22d of August, Dr. Whitman returned with the caravan to report to the Board. Mr. Parker, escorted by Indians, arrived at Fort Walla Walla on the 6th of October. On the 16th, he was most hospitably received by Chief Factor McLoughlin, at Fort Vancouver. Stopping over one night at the fort, he continued his exploration to the mouth of the Columbia. On the 30th, he had returned to Fort Vancouver, where he remained during the winter. In the spring, he traversed much of Oregon.

On the 28th of June, 1836, he embarked on the Hudson's Bay Company's bark *Columbia* for Honolulu, *en route* to the United States. At the Sandwich Islands, he sojourned from July 14th until the 17th of December, then sailed for New London in the whaling ship *Phœnix*, where he arrived May 15, 1837. On the 23d, he reached his home at Ithaca. The journal of this missionary tour imparted most valuable information. The route to Oregon, and importance of that territory, and many interesting features as to native population, climate, geology and natural history, became known.

It exhibited how Oregon was then reached by land and sea; its isolation; its mail communications, afforded only by whaling vessels which resorted to the Sandwich Islands, connecting with the Hudson's Bay Company's vessels which remained on the coast, making occasional voyages to those islands and from thence to the United States; or by the annual expresses accompanying the caravan of the American Fur Company; or a brigade of the Hudson's Bay Company *en route* between Fort Vancouver and York Factory.

On receiving Dr. Whitman's report in the fall of 1835, the Board determined to establish the Oregon Mission, and selected him to perform the labor. Betrothed to Narcissa Prentice, she consented to accompany him. Rev. Henry H. Spalding and wife, and William H. Gray, mechanic, were associated in the proposed mission. The party accompanied a caravan of the American Fur Company to Green river. There they met a trading party of the Hudson's Bay Company, with whom they traveled to Fort Vancouver, where they arrived September 12, 1836. This journey demonstrated that the continent could be safely crossed by women; that Oregon could be peopled overland from the western frontier; that the great American desert and Rocky Mountains were not insurmountable barriers to transcontinental travel.

By the middle of November, a station among the Cayuse Indians at Waiilatpu, twenty-five miles east of Fort Walla Walla, in charge of Dr. Whitman, and another among the Nez Perces, at Lapwai, on the Koos Kooskie or Clearwater river, 110 miles eastward from Waiilatpu (Rev. H. H. Spalding), had been established.

(1837.) (1) Necessary buildings having been erected at the two stations, Mr. Gray returned to the East for missionaries. His little party reached the headwaters of the Platte in safety, where they were attacked by the Sioux. The Nez Perces who accompanied him were killed. Mr. Gray, with his white companions, succeeded in making their escape.

(1838.) Revs. Cushing Eells, Elkanah Walker and A. B. Smith, with their wives, Cornelius Rodgers, mechanic and teacher, William H. Gray, mechanic and teacher, and wife, reached Waiilatpu on the 1st of September. Rev. A. B. Smith was assigned to Waiilatpu, Messrs. Gray and Rodgers to Lapwai. Messrs. Eells and Walker having selected Tshimikan, near Fort Colvile, among the Spokane Indians, as the site for their station, returned to Waiilatpu, where they wintered.

(1839.) Edwin O. Hall, printer of the Honolulu Mission, accompanied by his wife, arrived at Lapwai early in May. This was the introduction of printing west of the Rocky Mountains. During the subsequent fall and winter, elementary books were printed in the Nez Perce and Flathead languages. In the fall, another station was established among the Nez Perces, at Kamiah, on the Clearwater river, about sixty miles east of Lapwai, Rev. Asa B. Smith, missionary.

(1840.) On the 11th of January, the mission building at Tshimikan was destroyed by fire. Through the efficient service of A. McDonald, a chief factor of the Hudson's Bay Company, in charge of Fort Colvile, and the zealous co-operation of the Indians, buildings to protect the missionary families from the inclemencies of the winter were promptly afforded. At the outset the Indians had welcomed the missionaries, and assisted in the selection of land for the several stations. For a time they had continued friendly and well disposed, and eagerly received religious as well as other instruction. The officials of the Hudson's Bay Company, uniformly courteous, had always proffered their good offices and active sympathy.

(1) On the 14th of March, 1837, Alice C. Whitman, daughter of Marcus Whitman, M. D., was born at Waiilatpu. She was the first white female child born in Oregon. She was drowned in the Walla Walla river June 22, 1839.

The American Board exercised no ecclesiastical control. The missionaries were allowed to adopt their form of church government. "Six members favored Congregational church polity, four were Presbyterians, two Dutch Reformed. The Mission church was Presbyterian in name, but practically Congregational. The Oregon Mission was first formed, afterwards the number of stations determined. The mission was the body, the stations the branches. According to men and means, operations were enlarged or contracted, the number of stations increased or diminished. It began with two stations, which were increased to four. The missions of the American Board of Foreign Missions were little republics. All important arrangements in regard to each station were made in annual meetings of all members of the mission, and determined by a vote of the majority of those present" (1).

(1841.) To this constitution of the mission, its irresponsibility to a superior ecclesiastical tribunal, without a chief officer or superintendent, must be attributed that non-congeniality of its several constituents which so soon detracted from its success. In that "little republic," jealousies had already arisen. Complaints and harsh criticisms, as to motives, competency and Christian character of the most prominent missionaries, and inveigling against the utility of certain stations, had been forwarded to the Missionary Board. Criminations and recriminations, personal rancor and suspicion of each other, were too certain indications to the Board, that the mission was not in a healthy or hopeful condition.

In April, Rev. A. B. Smith and wife sailed for the Sandwich Islands, leaving Kamiah station vacant. Sectarian differences among the native population had also made their appearance. In 1839, the Catholic missionaries had commenced labors among the Indians of the interior. The priests had not located permanent stations; but missions were designated to which, at fixed times, the Indians repaired to receive instruction. Already there were Catholic as well as Protestant believing Indians. The Cayuses—though called Dr. Whitman's Indians—numbered partisans of each faith. In the same camp, the two religions had their respective votaries. About Waiilatpu the Indians had begun to display insolence. There were no settlements, no settlers, no white population in the valley of the Upper Columbia, except the missionary stations of the American Board with their thirteen members, six of whom were women, and the trading-posts of the Hudson's Bay Company at Walla Walla and Colvile. Those missionaries, the entire American population, were at the mercy of the Indians, who were only restrained by a knowledge that the missionaries had the active sympathy of the officials of that company in charge at Forts Walla Walla and Colvile.

In September, indignities to Dr. Whitman and family by Cayuses were of frequent occurrence. This condition of affairs, known at Fort Walla Walla, had been communicated to Dr. McLoughlin, who thereupon invited Dr. Whitman to Fort Vancouver. He recommended his absence from Waiilatpu for a year or two, predicting that the Indians would beg his return. Between Dr. Whitman and Chief Trader Archbald McKinlay, in charge of Fort Walla Walla, there was great intimacy. The latter was extremely anxious about the condition of things, and frequently warned Dr. Whitman of the restless and perfidious character of the Cayuses. The missionary acted with Christian forbearance, endeavoring to conciliate and gain the Indian's confidence and respect by kind treatment. The Indian mistook this kindness for fear of him, and only increased his insolence. A

(1) Extract from letter of Rev. Cushing Eells to author.

difficulty occurred, occasioned by an employé ordering an Indian out of the kitchen. Mr. Gray, the mechanic, resented the indignity, while Whitman literally obeyed the injunction to "turn the other cheek." Such Christian example was entirely lost on the perfidious race among whom Dr. Whitman labored. McKinlay, on learning of that outbreak, warmly espoused the cause of the outraged missionaries. He sent for the Indians engaged in it, severely lectured them, and informed them if such a thing again occurred, that Governor McLoughlin would send a force to teach them better manners. These good offices were reported to the Board by Dr. Whitman, and Chief Trader McKinlay received the thanks of its Executive Committee.

Sir George Simpson, Governor-in-Chief of the Hudson's Bay Company's territories, visited Fort Walla Walla in August, 1841. He met the missionaries. Adept as he was in discipline and knowledge of Indian character, he thus noted his conclusions:

"But the ministers of the gospel moreover had a grievance peculiar to themselves; for, instead of finding the savages eager to embrace Christianity, as they had been led to expect, they saw a superstitious, jealous and bigoted people. They soon ascertained that they could gain converts only by buying them; and they were even reproached by the savages on the ground that, if they were really good men, they would procure guns and blankets for them from the Great Spirit, merely by their prayers. In short, the Indians, discovering that the new religion did not render them independent of the traders any more than their old one, regarded missionaries as mere failures, or nothing better than impostors."

The Executive or Prudential Committee of the Board had been fully advised of the condition of affairs. So discouraging had become the outlook, that an order had been issued discontinuing Waiilatpu, Lapwai and Kamiah stations, recalling Rev. H. H. Spalding and Mr. Gray, and directing Dr. Whitman to settle the business of the southern branch (which included those stations), and to join Revs. Eells and Walker at Tshimikan. This order was the special matter of consideration of a meeting of the mission at Waiilatpu in September, 1842. Dr. Whitman was opposed to abandoning Waiilatpu. To maintain it as a station, he had resolved on going East to secure a rescinding of the order. The Spaldings at Lapwai had secured a large attendance of Nez Perce youths of both sexes, and had a keen solicitude to continue their labors. Whitman and Spalding opposed immediate compliance with the order of the Board. Instead of breaking up the southern branch, Dr. Whitman insisted that such stations should be strengthened by reinforcement. An immigration of Christian families to the vicinity of the several stations would relieve the missionary of secular responsibility, and afford more time to labor for the social and moral improvement of the Indian. A minister for Waiilatpu, qualified to come in contact with frontiermen, was also required. Waiilatpu was on the line to be traveled by those who crossed the Rocky Mountains *en route* to the lower Columbia and the Willamette valley. Dr. Whitman thoroughly appreciated the value of the country and the importance of the station, and was not willing to surrender it, nor abandon the field. Actuated by such motives, Dr. Whitman determined to make the winter journey of 1842–3.

There was a decided opposition on the part of Revs. Eells and Walker to Dr. Whitman's proposed journey; but when it became evident that he would go, even if such going should cause his severance from the mission, those gentlemen finally united in approval. Mrs. Whitman having made preparation to remain at The Dalles during her husband's absence, Dr. Whitman, accompanied by General A. L. Lovejoy, started October 3, 1842.



HON. JAMES SEAVEY,
PORT TOWNSEND, W.T.

He crossed the continent by way of Salt Lake, Taos and Santa Fé, and reached Boston on the 30th of the ensuing March (1843). He labored earnestly with the Prudential Committee of the Board. They censured his leaving his post, but revoked the obnoxious order. The stations of Waiilatpu and Lapwai were continued; but the Board, however, refused to engage in Dr. Whitman's missionary colonization scheme for the Oregon missions.

When he had abandoned hope that the Board would encourage a missionary colony of Christian families to accompany him to Oregon, Dr. Whitman left Boston and overtook the great migration of 1843 upon the Platte river. He reached Waiilatpu on the 25th of September.

To this journey, actuated solely by the condition of affairs of the mission, great political consequences have been attributed:

1. It has been alleged that Dr. Whitman projected the journey to defeat the British claim to that part of Oregon lying north of the Columbia river;

2. That he arrived at the city of Washington about the time a treaty exchanging Oregon, north of the Columbia river, for enlarged fishing privileges on the coast of Newfoundland, was being negotiated between Great Britain and the United States; that his opportune presence frustrated such surrender of territory;

3. That he went East to organize, and that to his efforts was due, the great migration of 1843.

As to the first claim, it is sufficient to reply that Dr. Whitman's zealous interest in the mission prompted the journey to secure assistance for it. The statement of the second refutes itself. There were no negotiations pending at the time as to the Oregon boundary. There never was, either by Great Britain or the United States, an offer of exchange of the character referred to; nor could Dr. Whitman under any circumstances have interfered with or influenced pending negotiations.

The third claim is based upon an impossibility. Dr. Whitman left Waiilatpu October, 1842, and reached Boston March 30, 1843. No opportunity, by mail or otherwise, afforded communication with parties proposing to start for Oregon in the spring of 1843. Such persons had made all preparations during the previous fall or winter.

Dr. Whitman had but taken his departure, in October, 1842, when the Walla Walla and Cayuse Indians became turbulent. Dr. Elijah White, United States Sub-Agent for the Indian tribes west of the Rocky Mountains, had crossed the plains in the summer of 1842. In the Willamette settlements, rumors were current that a hostile combination of Walla Wallas, Cayuses and Nez Perces had been formed, whose purpose was to destroy the Protestant missions in the interior, and American settlements in the Willamette Valley. The Walla Wallas occupied the country surrounding Fort Walla Walla, numbering about two thousand, with six hundred warriors. The Cayuses, speaking a similar dialect with the Nez Perces, numbered six hundred, of whom two hundred were warriors. The Nez Perce country extended from the mouth of the Salmon to the mouth of the Palouse, and of that breadth eastward to the Bitterroot Mountains. The nation numbered two thousand, with six hundred warriors.

Appreciating the isolation and defenseless condition of the mission stations, the Indians at Lapwai and Waiilatpu had grown insolent. The missionaries had yielded to their demands in the hope that conciliatory conduct would retain their good will. Proportionate, however, to Christian forbearance, Indian insolence increased. At Lapwai, Rev. H. H. Spalding was grossly assaulted by members of the Nez Perce tribe. He and

his wife were the only Whites in a circuit of fifty miles. At Waiilatpu, similar indignities had been committed. United State Sub-Agent White, accompanied by Thomas McKay and Cornelius Rodgers, as interpreter, reached Fort Walla Walla on the 30th, where they were joined by Chief Trader McKinlay. When they arrived at Waiilatpu, the Indians were scattered. A time was fixed for their return, and the Walla Wallas and Cayuses notified to come in. The agent and party then proceeded to Lapwai, reaching that station December 3d. On the 5th, a council was held, which was addressed by Agent White, Chief Trader McKinlay, Cornelius Rodgers and Thomas McKay, who were followed by Ache-kiah, or Five Crows, Bloody Chief (over ninety years of age, and a chief when Lewis and Clark visited the country) and six others. At this meeting, Dr. White caused Ellis to be elected head chief, together with twelve sub-chiefs. A code of laws was adopted, prescribing penalties for homicide, arson, larceny and trespass. If any Indian violated this code, he was to be tried by the chief. If a white man transgressed against an Indian, he was to be reported to the agent. Murder and arson were punishable by death, other offenses by fines and lashes. On the return of Sub-Agent White and party to Waiilatpu, so many of the Indian principal head men were absent, that the council was postponed until the 10th of May, 1843.

For many years the system of chieftainship among the Indians had been ignored by the Hudson's Bay Company; and prominent or influential members of bands had been distributed, thereby effectually defeating mischievous combination. That wise policy, attended with most salutary results, was now reversed by Sub-Agent White. Ellis, newly elected head chief of the Nez Perces, had been educated at Red river, and with that education had acquired great self-importance. As chief, he was haughty and overbearing, and administered White's code with extreme harshness. Indians were humiliated by punishment for acts which in their eye had no turpitude; and the belief prevailed that White designed their ultimate subjugation. The arrival of the immigrants of 1842, accompanying the sub-agent, the rumor that Dr. Whitman would return with increased numbers, unsettled the Indians. Reports were prevalent of a general combination against the White settlements, and that hostile parties had been sent to the Rocky Mountains to cut off the expected immigrant train of 1843. On the 20th of April, exciting rumors reached the Willamette. The great complaint of natives was that Americans designed to appropriate their lands. Father Demers, Catholic missionary, had returned to Fort Vancouver from the interior with intelligence that hostile feeling existed only against Americans. Upon the strength of that statement, Dr. McLoughlin had counseled against Agent White going, and advised that all should remain quiet; that in all probability the excitement among the Indians would soon subside. But Dr. White was agent; and it was all-important that, from and by him, the Indians should learn that fact. Accompanied by Rev. Gustavus Hines, an interpreter and servant, he started on the 28th of April, and reached Waiilatpu on the 8th of May. Mrs. Whitman and William Geiger had been anxiously waiting. The story had been assiduously circulated among the Indians that the Americans would deprive them of their lands. On hearing such statements, the young men of the disaffected tribes were for going to the Willamette to attack the settlements. The old men, who advised cautious measures, had sent Peu-peu-mox-mox (Yellow Serpent), chief of the Walla Wallas, to consult Dr. McLoughlin. Yellow Serpent had returned and informed the Cayuses that the Americans had no intention to attack them. The Indians at once peaceably returned to the cultivation of their little garden-patches, which before they had refused to do. The Walla Wallas and Cayuses refused to treat with Sub-Agent White without Ellis and the Nez Perces were present.

On the 23d of May, the chiefs and principal men had assembled at Waiilatpu. Tau-i-tau, chief of the Cayuses, called the council to order. The object having been explained by Sub-Agent White, Ellis said that it was not proper for the Nez Perces to speak until the Cayuse nation should receive the laws, to which the Cayuse chiefs replied: "If you want us to receive the laws, bring them forward and let us see them. We cannot take them unless we know what they are."

The reading of the code followed, and then general discussion by the Indians. The first day's talk ended without result. The next day, after long debate, in which most of the chiefs expressed themselves, the code of laws was adopted. Tau-i-tau received a majority for head chief of the Cayuse nation, after a bitter opposition, but on the following day declined serving, because a majority of his tribe were of a different religion. Ache-kiah (Five Crows), the brother of Tau-i-tau, was then elected. The council closed with a barbecue; and Sub-Agent White returned to the Willamette.

The proceedings had demonstrated that the Indians of the interior were soured at the presence of the Americans; that their promises, which had been made as to compensation for lands occupied by the missionary stations, were to be complied with, and that further delay was a grievance; that sectarian opinions had been introduced, which had already engendered feeling between the Protestant and Catholic believing Indians.

Dr. Whitman had returned to Waiilatpu in the fall of 1843. He was keenly solicitous that the country should be occupied by Americans. Upon the arrival of each immigrant train, he endeavored to secure reinforcements to his little missionary colony. The Indians, both at Lapwai and Waiilatpu, for the next few years, had conducted themselves to the entire satisfaction of the missionaries. They had given evidence of improvement in industrial pursuits; a number had attached themselves to the Church and professed religion. The number of Catholic-professing Indians had also increased. In 1847, it had become manifest that the Indians were disaffected towards the Protestant missionaries. Archibald McKinlay, the firm friend of Dr. Whitman, had left Fort Walla Walla. Dr. Whitman was loth to abandon Waiilatpu; and, at times discouraged, he resolved to submit the question to a vote of the Indians.

The real obstacle was his objection to relinquishing the missionary field to Catholics. He had been fully advised of, and thoroughly understood, the *animus* of the Indians, which, though seemingly friendly, was liable at any time to manifest itself in hostility. Despite those discouragements, the Doctor and his wife remained at their posts, and continued to treat the Indians as brothers; zealously they labored for their advancement.

The station of Waiilatpu, on the line of travel from the Rocky Mountains to the Willamette settlements, had become an asylum and resting-place for the immigrant, worn out and broken down by the severe journey across the plains; a hospital for the disease-stricken, regardless of caste or condition; a church and altar for spiritual culture and consolation; a school to disseminate knowledge; a farm to supply the necessaries of life; an industrial school to impart to Indians lessons of labor, and to teach them how to earn a subsistence. Saw and grist mills, shops and granaries, had been erected. The superintendent's residence had been furnished with a good library; and a valuable cabinet of specimens had been collected, illustrating the natural history and mineral wealth of the country. The Indian room, including kitchen, school and lecture room, over which, upon the second floor, were lodging apartments, were attached to the superintendency. Another large building afforded accommodations for travelers. At a distance of eight miles up Mill Creek, was the saw-mill and a dwelling-house.

The Catholic bishop of Walla Walla (Very Rev. A. M. A. Blanchet), Rev. J. B. A. Brouillet, V. G., and six other priests from Canada, arrived at Fort Walla Walla September 5, 1847, and were sojourning at the camp of Tau-i-tau, on the Umatilla river, twenty-five miles from Waiilatpu station. Seventy-two persons resided at Dr. Whitman's station. Dr. Whitman's household illustrates the character of that missionary and his wife. It consisted of Dr. Whitman and wife; Mr. Rodgers, teacher; ten adopted children, seven of whom were the Sagar orphans, whose parents had died crossing the plains in 1844, and three half-breed girls; two half-breed boys whom he had raised; Joseph Stanfield, a Canadian, and Joe Lewis, the latter of whom had come with the immigrants of 1847 from Fort Hall. Dr. Whitman, scant of accommodations, had objected to Lewis stopping, but gave him employment. Lewis detailed to the Indians a conversation which he represented that he overheard between the doctor and members of the family. To his diabolical lying may in great measure be attributed that excitement of feeling which made the events transpiring so soon thereafter a possibility.

At Waiilatpu were Miss Bewley and her brother, Mr. Hoffman, Mr. Sales, Eliza Spalding, ten years of age, daughter of Rev. H. H. Spalding. Of those, Messrs. Bewley and Sales were sick patients, confined to their beds. The remaining fifty were Americans, principally of the overland immigration, *en route* to the Willamette valley, who had remained to winter. Eighteen were adults, eight of whom were women. Of the number, ten were under Dr. Whitman's medical treatment.

Early in the afternoon of the 29th of November, 1847, school having just been called, an ox, which had been shot and was being dressed, engaged the attention of several of the mission employés at a distance from the house. The Indians came, as was their wont when a carcass was being cut up. When all the conspirators had assembled, their weapons concealed under their blankets, one went to the kitchen, called the doctor, complained of sickness and asked for medicine. The kind physician was bestowing his attention. Tamahos stepped behind him, and felled him by two desperate blows of a tomahawk. Then followed a carnival of butchery, which scarcely finds a parallel in the narratives of Indian perfidy and murder. The victims were Dr. and Mrs. Whitman, the teacher, Rodgers, Mr. Saunders, John and Francis Sagar, Messrs. Marsh, Kimball, Gill, Gittern, Young, and the two sick men, Bewley and Sales. Excepting Mrs. Whitman, the lives of the women and children were spared. Mr. Hall, Mr. Canfield, Mr. Osborn and family, a child of Mrs. Hayes, and two of the doctor's adopted children, succeeded in concealing themselves during the confusion, and reached Fort Walla Walla in safety. Two families (Messrs. Smith and Young), were at the saw-mill up Mill Creek, from whence they were brought to the station next day. Of these there were four men, Mr. Smith, Mr. Young, and two grown-up sons. By the interposition of a Nez Perce chief, the lives of these men were spared; and they swelled the number of captives to fifty-one.

Upon Mr. Hall's communicating the sad tidings to Chief Trader McBean, that officer dispatched an interpreter and men to Waiilatpu, to rescue survivors. The party met Finlay and the half-breed boys coming to the fort, and returned with them. On the 30th of November, McBean forwarded letters to the Board of Management of the Hudson's Bay Company, at Fort Vancouver, in which he states: "Fever and ague have been raging here and in this vicinity, in consequence of which a great number of Indians have been swept away, but more especially at the Doctor's (Whitman's) place, where he attended upon the Indians. About thirty of the Cayuse tribe died, one after another. The survivors eventually believed the Doctor had poisoned them, in which opinion they were



JOHN. C. BELL,
ASTORIA, OR



MRS. J. C. BELL,
ASTORIA, OR.



COL. JOHN E. ROSS,
JACKSONVILLE, OR.
(TAKEN 1855)



HON. A. G. HOVEY,
EUGENE CITY, OR.



COL. G. O. HALLER,
SEATTLE, W. T.

unfortunately confirmed by one of the Doctor's party (Joe Lewis). As far as I have been able to learn, this has been the sole cause of the dreadful butchery. In order to satisfy any doubt as to their suspicion that the Doctor was poisoning them, it is reported that they requested the Doctor to administer medicine to three of their friends, two of whom were really sick, but the third only feigning illness. All of these were dead the next morning."

The ringleaders in this horrible butchery were Telo-ka-ikt and his son Tamsuky, Esticus and Tamahos. The murderers were the Doctor's Indians, the Cayuses. Governor James Douglas, communicating the disastrous news to Governor George Abernethy, of the Provisional government of Oregon, and to the American Board of Commissioners of foreign missions, thus commented:

"The Cayuses are the most treacherous and intractable of all the Indian tribes in this country, and had on many former occasions alarmed the inmates of the mission by their tumultuous proceedings and ferocious threats; but unfortunately these evidences of a brutal disposition were disregarded by their admirable pastor, and served to arm him with a firmer resolution to do them good. He hoped that time and instruction would produce a change of mind, a better state of feeling towards the mission; and he might have lived to see his hopes realized had not the measles and dysentery, following in the train of immigrants from the United States, made frightful ravages this year in the upper country, many Indians having been carried off through the violence of the disease, and others through their own imprudence. The Cayuse Indians of Waiilatpu, being sufferers in this general calamity, were incensed against Dr. Whitman for not exerting his supposed supernatural powers in saving their lives. They carried this absurdity beyond that point of folly. Their superstitious minds became possessed with the horrible suspicion that he was giving poison to the sick instead of wholesome medicine, with the view of working the destruction of the tribe, their former cruelty probably adding strength to this suspicion. Still some of the more reflecting had confidence in Dr. Whitman's integrity; and it was agreed to test the effects of the medicine he had furnished on three of their people, one of whom was said to be in perfect health. They all unfortunately died. From that moment, it was resolved to destroy the mission. It was immediately after burying the remains of these three persons that they repaired to the mission and murdered every man found there."

Upon the receipt of the intelligence at Fort Vancouver, Governor Peter Skeen Ogden, associate chief factor, on the 7th of December left for Fort Walla Walla with sixteen men, servants of the Hudson's Bay Company, to prevent further bloodshed and to rescue the American captives. On arriving at Fort Walla Walla on the 19th of December, couriers were dispatched to the chiefs and head men of the Cayuse nation.

On the 23d, a council was held which continued until late at night, the Indians agreeing to deliver up the captives within six days upon the payment of the ransom agreed upon. At that council Governor Ogden thus addressed the Cayuses:

"I regret to observe that all the chiefs whom I asked for are not present. Two being absent, I expect the words I am about to address to you to be repeated to them and your young men on your return to your camps. It is now thirty years since we have been among you. During this long period, we have never had any instance of blood being spilt until that inhuman massacre which has so recently taken place. We are traders, and a different nation from the Americans. But recollect we supply you with ammunition not to kill the Americans. They are the same color as ourselves, speak the same language, are children of the same God; and humanity makes our hearts bleed when we

behold you using them so cruelly. Besides this revolting butchery, have not the Indians pillaged, ill-treated the Americans, and insulted their women when peaceably making their way to the Willamette? As chiefs, ought you to have connived at such conduct on the part of your young men? You tell me the young men committed the deeds without your knowledge. Why do we make you chiefs if you have no control over your young men? You are a set of hermaphrodites, and unworthy of the appellation of men as chiefs. You young, hot-headed men, I know that you pride yourselves upon your bravery, and think no one can match you. Do not deceive yourselves. If you get the Americans to commence once, you will repent it; and war will not end until every one of you is cut off from the face of the earth. I am aware that a good many of your friends and relatives have died through sickness. The Indians of other places have shared the same fate. It is not Dr. Whitman who poisoned them; but God has commanded that they should die. We are weak mortals, and must submit; and I trust you will avail yourselves of the opportunity. By so doing, it may be advantageous to you; but at the same time remember that you alone will be responsible for the consequences. It is merely advice that I give you. We have nothing to do with it. I have not come here to make promises or hold out assistance. We have nothing to do with your quarrels; we remain neutral. On my return, if you wish it, I shall do all I can for you; but I do not promise you to prevent war.

"If you deliver me up all the prisoners, I shall pay you for them on their being delivered; but let it not be said among you afterwards that I deceived you. I and Mr. Douglas represent the company (H. B. Co.); but I tell you once more we promise you nothing. We sympathize with these poor people, and wish to return them to their friends and relatives by paying you for them. My request in behalf of the families concerns you, so decide for the best."

The young chief Tau-i-tau replied as follows:

"I arise to thank you for your words. You white chiefs command obedience with those that have to do with you. It is not so with us. Our young men are strong-headed and foolish. Formerly we had experienced good chiefs. These are laid in the dust. The descendants of my father were the only good chiefs. Though we made war with the other tribes, yet we always looked and ever will look upon the Whites as our brothers. Our blood is mixed with yours. My heart bleeds for the death of many good chiefs I had known. For the demand made by you, the old chief Telau-ka-ikt is here. Speak to him. As regards myself, I am willing to give up the families."

Telau-ka-ikt said: "I have listened to your words. Young men, do not forget them. As for war, we have seen little of it. We know the Whites to be our best friends, who have all along prevented us from killing each other. That is the reason why we avoid getting into war with them, and why we do not wish to be separated from them. Besides the tie of blood, the Whites have shown us a convincing proof of their attachment to us, by burying their dead alongside with ours. Chief, your words are weighty. Your hairs are gray. We have known you a long time. You have had an unpleasant trip to this place. I cannot therefore keep these families back. I make them over to you, which I would not do to another younger than yourself."

Pue-pue-mox-mox continued: "I have nothing to say. I know the Americans to be changeable; still I am of the opinion as the young chief. The Whites are our best friends, and we follow your advice. I consent to your taking the families."

Mr. Ogden then addressed two Nez Perce chiefs in behalf of Rev. Mr. Spalding and party, requesting that they should be delivered to him on receiving the ransom, and spoke to them at length. Both chiefs, James and Fiminilpilp, promised to bring them, and immediately started with a letter from Chief Factor Ogden to Mr. Spalding.

On the evening of the 29th of December, a few principal Cayuses arrived at Fort Walla Walla, bringing in captives and returning stolen property. The next day the ransom was paid. A day later the Spaldings were brought in, and on New Year's day, 1848, Governor Ogden, with the American captives, left Fort Walla Walla for Fort Vancouver.

In recounting his successful mission, Governor Ogden wrote, December 31st: "I have endured many an anxious hour, and for the last two nights have not closed my eyes. But, thanks to the Almighty, I have succeeded. During the captivity of the prisoners, they have suffered every indignity, but fortunately were well provided with food. I have been enabled to effect my object without compromising myself or others; and it now remains with the American government to take what measures it deems most beneficial to restore tranquility; and this, I apprehend, cannot be finally effected without blood flowing freely. So as not to compromise either party, I have made a heavy sacrifice of goods; but these indeed are of trifling value compared to the unfortunate beings I have rescued from the hands of these murderous wretches; and I feel truly happy."

The following comprises a list of the captives ransomed by Governor Ogden:

Missionary children adopted by Dr. Whitman, viz.: Mary T. Bridger; Catherine Sagar, aged 13 years; Elizabeth Sagar, 10; Matilda J. Sagar, 8; Henrietta N. Sagar, 4; Hannah L. Sagar; Helen M. Meek. (The two last named died soon after the massacre.) From Du Page county, Illinois: Joseph Smith; Mrs. Hannah Smith; Mary Smith, aged 15 years; Edwin Smith, 13; Charles Smith, 11; Nelson Smith, 6; Mortimer Smith, 4. From Fulton county, Illinois: Mrs. Eliza Hall; Jane Hall, aged 10 years; Mary Hall, 8; Ann E. Hall, 6; Rebecca Hall, 3; Rachael M. Hall, 1. From Osage county, Mississippi: Elam Young; Mrs. Iren Young; Daniel Young, aged 21 years; John Young, 19. From La Porte county, Indiana: Mrs. Harriet Kimball; Susan Kimball, aged 16 years; Nathan Kimball, 13; Byron M. Kimball, 8; Sarah S. Kimball, 6; Mince A. Kimball, 1. From Iowa: Mrs. Mary Sanders; Helen M. Sanders, aged 14; Phœbe L. Sanders, 10; Alfred W. Sanders, 6; Nancy I. Sanders, 4; Mary A. Sanders, 2; Mrs. Sally A. Canfield; Ellen Canfield, 16; Oscar Canfield, 9; Clarissa Canfield, 7; Sylvia A. Canfield, 5; Albert Canfield, 3. From Illinois: Mrs. Rebecca Hays; Henry C. Hays, aged 4 years; also Eliza Spalding, Nancy E. Marsh, Lorinda Bewley.

The ransom was effected with the following property, expended out of the Nez Perce outfit, viz.. Sixty-two blankets, three points; sixty-three cotton shirts; twelve company guns; 600 loads ammunition; thirty-seven pounds tobacco; twelve flints.

Received from Telau-ka-ikt, appertaining to the mission, for the use of the captives: Seven oxen, small and large; sixteen bags coarse flour.

Governor George Abernethy, in acknowledging the philanthropic services of Governor Ogden, says:

"Their (the captives) condition was a deplorable one, subject to the caprice of the savages, exposed to their insults, compelled to labor for them, and remaining constantly in dread lest they should be butchered as their husbands and fathers had been. From this state, I am fully satisfied, we could not have relieved them. A small party of Americans would have been looked upon with contempt; the approach of a large party would have

been the signal for a general massacre. Your immediate departure from Vancouver, on receipt of the intelligence from Waiilatpu, enabling you to arrive at Walla Walla before the news reached them of the American party having started from this place (Oregon City), together with your influence over the Indians, accomplished the desirable object of relieving the distressed."

The Cayuse murderers, before Governor Ogden arrived at Fort Walla Walla, had, on the 20th of December, assembled in council at Umatilla, Tau-i-tau, or Young Chief, Telau-ka-ikt, Ache-kiah, or Five Crows, and Camaspelo, the head chief of the Cayuses, with all the principal men of the nation. Bishop Blanchet told them that they were assembled to deliberate on a most important subject, that of avoiding war, which is always a great evil. It was wise to consult each other, to hold a council. Had they deliberated together but a few days before, probably they would not now have to deplore the horrible massacre at Waiilatpu, nor to fear its consequences. Two Nez Perces had asked him to write to the Governor of Oregon to obtain peace; but this he could not do without consent of the Cayuse chiefs. That the Nez Perces proposed: 1st, that the Americans should not come to make war; 2d, that they should send up two or three great men to make a treaty of peace; 3d, that when these great men should arrive, all the captives should be released; 4th, that they would offer no offense to Americans before knowing the news from below.

Camaspelo spoke first, approving the proposition. Telau-ka-ikt followed, speaking two hours. He recounted the killing of the Nez Perces who had, in 1837, accompanied Mr. Gray east; the killing of Elijah, son of Pue-pue-mox-mox, by Americans, in California. He concluded by saying that, as the Indians had forgotten all this, he hoped the Americans would also forget what had been recently done; that now they were even.

Neither Ache-kiah nor Tau-i-tau had much to say. Edward, son of Telau-ka-ikt, made the closing speech, justifying the Cayuses and arraigning Dr. Whitman for poisoning the Indians, pretending to credit the statement of Joe Lewis, alleging that the dying declaration of Mr. Rodgers corroborated Joe Lewis. After deliberation, the Cayuses requested Bishop Blanchet, in their names, to send to Governor Abernethy the following manifesto:

"The principal chiefs of the Cayuses, in council assembled, state: That a young Indian (Joe Lewis), who understands English and who slept in Dr. Whitman's room, heard the Doctor, his wife and Mr. Spalding express their desire of possessing the land and animals of the Indians; that he stated also that Mr. Spalding said to the Doctor: 'Hurry giving medicines to the Indians that they may soon die;' that the same Indian told the Cayuses: 'If you do not kill the Doctor soon, you will all be dead before spring;' that they buried six Cayuses on Sunday, November 24th, and three the next day; that the schoolmaster, Mr. Rodgers, stated to them, before he died, that the Doctor, his wife and Mr. Spalding poisoned the Indians; that, for several years past, they had to deplore the death of their children, and that, according to these reports, they were led to believe that the Whites had undertaken to kill them all, and that these were the motives which led them to kill the Americans. The same chiefs asked at present:

"1st. That the Americans may not go to war with the Cayuses;

"2d. That they (the Americans) may forget the lately committed murders, as the Cayuses will forget the murder of the son of the great chief of the Walla Wallas, committed in California (1);

(1) This refers to the killing, in 1844, of Elijah (son of Pue-pue-mox-mox), by Californians. In the spring of 1847, a band of Cayuses and Walla Wallas went to California to avenge his death, but, finding the Americans too strong, they returned without striking a blow, leaving, according to the Indian view, the matter unsettled. They returned early in the fall, and several of the party died from sickness; such an unfortunate termination of their expedition added fuel to the flame, and only intensified their hostility to the Americans.



A. HANEN,

DAYTON, W.T.

"3d. That two or three great men may come up and conclude peace;

"4th. That as soon as these great men have arrived and concluded peace, they may take with them all the women and children;

"5th. That they give assurance that they will not harm the captives before the arrival of these two or three great men;

"6th. That they ask that Americans may not travel any more through their country, as their young men might do them harm."

This document was signed by Telau-ka-ikt, who led the murderous gang at Waiilatpu, Camaspelo, Tau-i-tau and Ache-kiah (Five Crows), the wretch who appropriated Miss Bewley as his share of the triumph.

In the letter accompanying, Bishop Blanchet states:

"After an interview with the chiefs separately, I succeeded in assembling them in council, which was held yesterday, and lasted four hours and a half. Each of the chiefs delivered a speech before giving his opinion. The document which accompanied the present will show you the result. It is sufficient to state that all these speeches went to show that hostilities had been instituted by the Whites; that they abhorred war; and that the tragedy of the 29th of November had occurred from an anxious desire of self-preservation; and that it was the reports made against the Doctor and others which led them to commit this act. They desired to have the past forgotten, and to live in peace as before. Your Excellency has to judge of the document which I have been requested to forward to you. Nevertheless, without having the least intention to influence one way or the other, I feel myself obliged to tell you that by going to war with the Cayuses you will undoubtedly have all the Indians of the country against you. Would it be to the interest of a young colony to expose herself? But that you will decide with your council."

The status of the several elements of population within the hostile region has now been fully exhibited. The Americans expelled from the country; the Protestant Missions at an end; whilst officers and servants of the Hudson's Bay Company and the Catholic priest with safety remain.

Many causes for this enormity have been alleged; its immediate precursor was the death of several Indians caused by dysentery and measles. Several families of the overland migration (1847) had reached the Waiilatpu station, members of whom were sick with those diseases. As a consequence, the former disease broke out with considerable fatality among the Indians. Those savages who adopted the Indian remedy of the sweating-oven, followed by plunging into the river, invariably died. Of those who applied to Dr. Whitman for treatment, several cases proved fatal.

By Indian custom, the medicine-man forfeits his life to the kindred of the patient if death ensues. It has never been claimed that the Indians exacted this penalty as to Dr. Whitman; still, by their superstitious tenets, he was regarded as instrumental in compassing those deaths which occurred. They pretended to believe that Dr. Whitman could sicken or kill by aid of his "*bad medicines*." This being their state of mind, how easy the task of the infamous fiend, Joe Lewis, who had inflamed them by representing that he had overheard Dr. Whitman, his amiable wife and Rev. H. H. Spalding, plotting to poison the Indians, and secure their lands and horses.

Had Dr. Whitman alone been killed, his murderer laboring under a delusion that he was a "*bad medicine-man*," a poisoner of Indians, such might be accepted as prompting

the act. But the Cayuse murderers slaughtered those who were unsuspected of any meditated wrong; sick men, and those who had but recently come from the East, who were on their journey to the Willamette. Instead of their murderous acts being restricted to those who had been accused of meditating or practicing wrong, all the concomitants of savage warfare were displayed against those of certain nationality, against whom war was thereafter to be waged. The *fuel* had been accumulating for years. The pile of inflammable material embraced jealousy of a superior race; opposition to the permanent settlement in the country of Americans; a bias in favor of the "King George," as the Hudson's Bay Company's employés were called, the natural result of a quarter-century's intercourse with the company's posts, and, in a corresponding degree, a prejudice against the American or "Boston;" the presence of diverse religious systems, and Dr. Whitman's encouragement of American settlement. As a doctor of medicine, he was an object of awe to the Indians, and, by their ritual, amenable for the life of his patients. The more superstitious pretended to believe that he was instrumental in causing a contagious disorder to have been spread among them. This mass of combustibles was readily fired by a ruthless incendiary, who acquired prestige with the Indian, because he was by them regarded as a member of the Doctor's household. All these influences contributed to create that *animus* towards Americans, to engender the motive for breaking up the mission, and the expulsion of Americans from the country. The massacre was an outburst of *national* hostility and hatred against Americans. Waiilatpu and its peaceful and unarmed inmates had been doomed because it was an American missionary station, and because it was the home of Americans. The Whitman massacre was an Indian raid by hostile Cayuses against the American inmates of Waiilatpu.

The immediate sequel of the massacre was a bitter controversy between Protestant and Roman Catholic settlers of Oregon. There were those who claimed to believe that the Cayuses had been incited by the agency of servants of the Hudson's Bay Company. That company almost exclusively occupied the interior, and, by its matchless Indian policy, had acquired perfect control of the Indians. The horror of Waiilatpu was accredited by others as the result of anti-American combined with anti-Protestant influences. Time, alike mollifying sectarian rancor and national prejudice, has dissipated such opinions, which are merely chronicled as among the most unhappy concomitants of that terrible crime.

The introduction of a religion in conflict with one previously taught, the presence of two sets of religious teachers denouncing the teachings of each other, two white races, with adverse interests, striving for mastery of the country and control of that race, must of necessity have aroused prejudices liable to be dangerous in their consequences. Except, however, the efforts of the Catholic clergy to propagate their faith, to establish missions in a field preoccupied, no blame can attach to the Catholic missionaries present in the vicinity. While the Catholic priests could and did remain in the country, there is no evidence that any of their number counseled those barbarities, approved the deed, or attempted to shield the murderers. It must also be remembered that the Catholic fathers had apprised Dr. Whitman of the growing hostility of the Indians to the presence of the mission; and it is due to the memory of the Blanchets and Brouillets and their missionary *confrères* to say that their piety and Christian virtues forbid the thought that they could have, in the slightest degree, directly contributed to incite that perfidious massacre.

The early consequences of the great crime was the erection of Oregon into a territory of the United States, and the arrival of United States troops to afford protection to

American settlements hitherto ignored. The blood shed at Waiilatpu was the eloquent protest against the continuance of a policy which had rendered possible such a loss of valuable lives. With the Whitman massacre terminated the existence of missionary stations of the American Board in Oregon. In 1848, Tshimikan was abandoned; the Revs. Eells and Walker, with their families, left the country at the close of the Cayuse campaign, in the spring of that year.

The Cayuse war was the necessary consequence of that massacre; its history belongs to the history of the Oregon Provisional government, who declared and waged that war to punish the perfidious murderers of the Whitmans and the innocents who were sojourning at Waiilatpu on that dread day, the 29th of November, 1847.

Chapter XXVI.

(1838–1848.)

The Roman Catholic Mission.

THE Oregon Roman Catholic Mission was intrusted to two zealous priests, to whom the Hudson's Bay Company gave free passage into the country. It depended for sustenance upon associations for the propagation of the faith in Lyons and Quebec; the voluntary donations of the few Catholic inhabitants of the territory; the contributions by the officers and employés of the Hudson's Bay Company; the mite contributed by natives; and products of the mission farms on Cowlitz and French Prairies.

On July 3, 1834, and February 23, 1835, the Canadian-French families of the Willamette valley addressed the Roman Catholic Bishop of Red river (1), requesting that "missionaries be sent to instruct their children and themselves." On the 6th of June, 1835, the bishop answered that there were no disposable priests at Red river, but promised missionaries from Europe or Canada. In that eloquent paternal letter "to all the families settled on the river Willamette, and other Catholic persons beyond the Rocky Mountains," he foreshadows the purpose of the Oregon Roman Catholic Mission. "My intention is not to procure the knowledge of God to you and your children only, but also to the numerous Indian tribes among which you live."

The bishop applied to the Hudson's Bay Company for passage for two priests from Red river, and for consent to establish a mission on the Willamette river; but the governor and committee in London, and the council at Hudson's Bay, would not consent to any establishment south of the Columbia river.

On the 13th of October, 1837, the bishop of Red river renewed his application for the privilege to send two priests to Oregon. On the 17th of February, 1838, Sir George Simpson addressed the Archbishop of Quebec:

"When the bishop first mentioned this subject, his view was to form the mission on the banks of the Willamette, a river falling into the Columbia from the south. To the establishing of a mission there, the governor and committee in London and the councils in Hudson's Bay had a decided objection, as the sovereignty of that country is still undecided; but I last summer intimated to the bishop that if he would establish the mission on the banks of the Cowlitz, or the Cowlitz portage, falling into the Columbia from the northward, and give his assurance that the missionaries would not locate themselves on the south side of the Columbia river, but would form their establishment where the company's representative might point out as the most eligible situation on the north side, I should recommend the governor and committee to afford a passage to the priests, and such facilities towards the successful accomplishment of the object in view as would not involve any great inconvenience or expense to the company's service. By the

(1) Very Rev. Joseph Norbert Provencher, whose title was Bishop of Juliopolis.



HON. J. M. BACON,

OREGON CITY, OR.

PIONEER OF 1845.

letter received yesterday,—already alluded to,—the bishop enters fully into my views, and expresses his willingness to fall in with my suggestion. That letter I have laid before the governor and committee; and I am now instructed to intimate to your lordship, that if the priests will be ready at Lachine to embark for the interior about April 25th, a passage will be afforded them; and, on their arrival at Fort Vancouver, measures will be taken by the company's representative there to facilitate the establishing of the mission, and the carrying into effect the objects thereof generally."

Rev. Francis Norbert Blanchet, of Montreal, on April 17, 1838, was appointed by the Archbishop of Quebec to the charge of the Oregon Roman Catholic Mission. His associate was Rev. Modeste Demers, selected by the bishop of Red river. The instructions to the "missionaries for that part of the diocese of Quebec, which is situated between the Pacific Ocean and the Rocky Mountains," drafted by the Archbishop of Quebec, exhibit the designs of the founders of the mission:

"First. They must consider as the first object of their mission to withdraw from barbarity, and the disorders which it produces, the Indian nations scattered in the country.

"Second. Their second object is, to tender their services to the wicked Christians who have adopted there the morals of the Indians, and live in licentiousness and forgetfulness of their duties. In order to make themselves sooner useful to the country where they were sent, they will apply themselves, as soon as they arrive, to the study of the Indian languages, and will endeavor to reduce them to regular principles, so as to be able to publish a grammar of them after some years of residence there.

"The territory which is particularly assigned to them is that which is comprised between the Rocky Mountains on the east, the Pacific Ocean on the west, the Russian possessions on the north, and the territory of the United States on the south. It is only within the extent of that territory that they will establish missions; and they are particularly recommended not to form any establisment on the territory, the possession whereof is contested by the United States. They can, however, in accordance with the indult of the Holy See, under date of February 23, 1836, a copy whereof accompanies the present, use their powers, when needed, in the Russian possessions, as well as in that part of the American territory which borders on their missions. As to that part of the territory, it is probable that it does not belong to any of the dioceses of the United States; but if the missionaries were informed that it forms a part of some diocese, they will abstain from performing any act of jurisdiction there, in obedience to the aforesaid indult, unless they be authorized to do it by the bishop of such diocese.

"As to the place where they will fix their principal residence, it will be on the river Cowlitz or Cowiltyha, which empties into the river Columbia, on the north side of the river. On their arrival at Fort Vancouver, they will present themselves to the person who represents the Honorable Hudson's Bay Company; and they will take his advice as to the precise situation of the establishment.

"They are particularly recommended to have all possible regard for the members and employés of that company, with whom it is very important, for the holy work with which they are charged, to be constantly in good intelligence."

On the 5th of July, 1838, the bishop of Red river, in a pastoral letter to the Catholics established on the river Willamette, having referred to his endeavors for three years, to send them priests, says:

"At last it has been granted this year; and two pious and zealous priests abandoned all the hopes of this world, in order to go to you, and to speak to you of God, and induce

you to practice His holy religion. You will, though, be a little disappointed in seeing that the missionaries will not settle among you at the Willamette. Your settlement is situated on the territory of the United States, and consequently outside the diocese of Quebec. The company cannot favor the establishment of a colony in a foreign country; and I, as a bishop, British subject, cannot allow the priests whom I send to establish themselves anywhere else than on British territory, because the line which divides the two powers also bounds my jurisdiction. It is the reason why the passage of the missionaries was refused last year; and it has been granted this year only on the special condition that the missionaries would fix their residence on the north side of the Columbia river; thus this change does not come from any ill will on my part, which I thought proper to let you know. The missionaries, however, can go and visit you, but always temporarily, and will not be able to fix their residence among you. You might, perhaps, in course of time, join them in moving to their establishment. The desire of the salvation of your souls shall induce you to do it."

The Very Rev. F. N. Blanchet, V. G., left Montreal May 3, 1838, in a bark canoe, carrying the express of the Hudson's Bay Company. He arrived June 6th at St. Bonifacius, where he was joined by his associate, Rev. Modeste Demers. On the 10th of July, they commenced their journey for Oregon, reaching Norway House in seven days. On the 26th, the annual brigade, under command of Chief Trader Rowand, started westward. It consisted of ten boats laden with merchandise, a large number of hired men, women and children. Among the travelers accompanying were Messrs. Banks and Wallace, English botanists, on a tour of scientific exploration.

The journey of those two devoted priests to the field of their future missionary labors was a long and toilsome one, but unaccompanied with special danger or accident until the arrival of the brigade at the "big bend" of the Columbia river. In the transfer of persons and freight from that point to the House of the Lakes, one of the boats was badly wrecked; and, of twenty-six on board, twelve were drowned. The travelers, Banks and Wallace, with the wife of the latter, were among the lost. The brigade remained eighteen days at the House of the Lakes, after which the journey was resumed. The two missionary priests *en route*, at the various forts and stopping-places of the company, baptized and confirmed Indians and company employés who had assembled to meet them. Fathers Blanchet and Demers arrived at Fort Vancouver on the 24th of November, 1838.

On Sunday, November 25th, the two priests celebrated their first mass at Fort Vancouver. To obey the instruction establishing at Cowlitz the principal station, Father Blanchet left Vancouver on the 12th of December, reaching Cowlitz Prairie on Sunday, the 16th. The settlement consisted of the families of four retired servants of the Hudson's Bay Company, who had taken claims upon the prairie on the west side of the river. Mass was celebrated on Sunday and Monday, at the house of Simon Plemondon. A section of land was taken for the mission, and preparation made to obtain timber for buildings, after which Father Blanchet returned to Fort Vancouver.

(1839.) Early in January, with the approbation of Chief Factor Douglas, Father Blanchet visited the Catholic families residing on French Prairie. A log church seventy by thirty feet had been built in 1836. On Sunday, January 6th, the Vicar-General blessed the chapel under the patronage of St. Paul, and celebrated the first mass in the Willamette valley. This visit continued for five weeks, after which Cowlitz mission was established.

In the spring, Father Demers visited the Indians of Puget Sound. He returned to Fort Vancouver by June, and met the trading expedition of the Hudson's Bay Company

on its annual return to Vancouver from New Caledonia and the interior posts. After which he visited the Upper Columbia, Forts Walla Walla, Okanagon and Colvile.

On the 9th of October, Governor James Douglas communicated to the Vicar-General "that the governor and committee have no further objection to the establishment of a Roman Catholic mission in the Willamette, and that the missionaries were at liberty to take any means towards the promotion of that object." Father Blanchet assumed charge of Willamette mission, and assigned Cowlitz mission to Rev. Modeste Demers.

In the spring of 1840, Vicar-General Blanchet visited the Indians of Puget Sound, extending his mission as far as Whidby Island. There he erected a cross, taught the Indians, baptized children, and reconciled two hostile tribes engaged in war. Father Demers accompanied the brigade of the Hudson's Bay Company, which started from Fort Vancouver for the Upper Columbia June 29th, extending his missionary visits to Forts Walla Walla, Colvile and Okanagon. While at Colvile, he learned of the presence of Father Peter J. de Smet among the Flatheads, who, with equal surprise, had become advised that Father Demers labored in that vicinity. The two missionaries succeeded in communicating with each other; and Father Demers carried a letter from Father de Smet to Vicar-General Blanchet. The Flathead Indians had sent a deputation to St. Louis asking for religious teachers. In response thereto, and in entire ignorance of the presence of Rev. Messrs. Blanchet and Demers in the territory west of the Rocky Mountains, the Roman Catholic Bishop of St. Louis, Missouri, in October, 1839, had addressed the Superior-General of the Order of Jesuits at Rome, invoking missionary aid for the Flathead Indians. The diocese of Missouri then included the territory of the United States westward to the Pacific Ocean. Rev. Peter John de Smet, S. J., was selected by the Bishop of St. Louis, co-operating with the provincial Superior of the Society of Jesus, in Missouri. In the summer of 1840, Father de Smet visited the Flatheads, remained two months and was so encouraged that he returned to St. Louis for additional priests. In 1841, he again crossed the Rocky Mountains, accompanied by Fathers Point and Mengarina. Having established the mission of St. Mary, in the valley of the Bitter Root, he returned to St. Louis, from whence he visited Europe to secure aid for the Oregon Catholic Mission.

Sir George Simpson, upon his tour to Oregon, in 1841, made such a favorable report of the missionary labors of Messrs. Blanchet and Demers, that two other priests from Canada, Revs. Anthony Langlois and John B. Z. Bolduc, were added to the mission. Refused by the Hudson's Bay Company passage overland, they came by sea, *via* Cape Horn, at the expense of the society at Quebec for the propagation of the Faith. They arrived September 17th, 1842, at St. Paul, on the Willamette. The Vicar-General assumed charge at Vancouver, assigning Mr. Langlois to St. Paul, Mr. Bolduc to Cowlitz, Rev. M. Demers being on a mission to the Upper Columbia.

On the 25th of November, Chief Factor John McLoughlin addressed the following to the Vicar-General: "I am instructed to place one hundred pounds sterling to the credit of your mission, as an acknowledgment of the eminent services you and your pious colleague are rendering the people of this country."

(1843.) The missionary force was increased by the arrival of Jesuit Fathers de Vos and Hockens, from St. Louis. On the 17th of October, St. Joseph's College was opened at St. Paul, with thirty scholars, Rev. A. Langlois, Superintendent. With the arrival of the Hudson's Bay Company brigade came five men and two women, aids to the mission, to whom free passage had been furnished. On the 1st of December (although unknown to

him until the subsequent November), the Rev. Francis N. Blanchet had been appointed Bishop of Philadelphia, which titular rank, before consecration, had been changed to Bishop of Drasa.

(1844.) Several Jesuit priests from St. Louis came to the Rocky Mountains this year. Father de Smet sailed, on the 9th of January, in the ship *L'Infatigable*, from Anvers, Belgium, for the Columbia river, and on the 6th of August arrived at Fort Vancouver. He was accompanied by Revs. Accolti, Nobili, Ravalli and Vercruysse, several lay brothers, and six religious ladies of Notre Dame de Namur. In November, the sisters opened an academy for girls at St. Paul. On the 4th of November, the briefs arrived by which Oregon had been constituted a vicariate apostolic, with Francis Norbert Blanchet, Bishop. Upon the 8th, he announced his resolution to return to Canada to receive his consecration. The mission of Oregon included nine permanent stations or missions, four of which were conducted by the Jesuit fathers from St. Louis. Eleven churches had been built. There were two educational establishments, one for each sex, and fifteen priests and six sisters of Notre Dame de Namur. Leaving Rev. Modeste Demers, vicar-general and administrator, the bishop-elect, on the 5th of December, sailed for London in the Hudson's Bay Company's bark *Columbia*; from thence he proceeded to Canada. At Montreal, on the 25th of July, 1845, the pioneer head of the Oregon Catholic Mission was consecrated Bishop of Drasa. In August, Bishop F. N. Blanchet sailed for Europe, to solicit help and necessary funds. On the 24th of July, 1846, Oregon became an ecclesiastical province, Oregon City its metropolis, and Bishop F. N. Blanchet its archbishop. His brother, A. M. A. Blanchet, canon of Montreal, was appointed bishop of Walla Walla, and Modeste Demers bishop of Vancouver Island. Bishop A. M. A. Blanchet was consecrated at Montreal, September 27, 1846, and crossed the plains the next season, reaching Walla Walla September 5, 1847. He was accompanied by Very Rev. J. B. A. Brouillet, Vicar-General, Rev. Messrs. Roussau and Leclaire, four fathers of the O. M. I. of Marseilles, and two lay brothers. Bishop Modeste Demers was consecrated on the 30th of November, 1847, at the Church of St. Paul, by Archbishop F. N. Blanchet, his former companion and colleague in the Oregon Mission.

In the fall of 1847, the ecclesiastical province of Oregon City numbered three bishops, fourteen Jesuit fathers, four Oblate fathers of the O. M. I., thirteen secular priests, thirteen sisters and two houses of education.

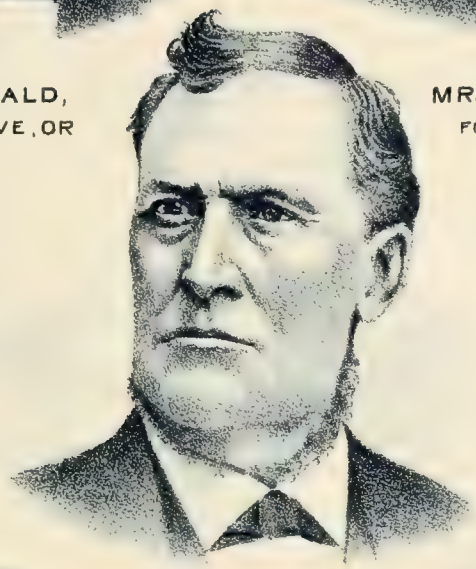
The Catholic missionaries acquired and retained over the native population west of the Rocky Mountains an almost perfect control. The uninterrupted continuance of Indian veneration to the priests, and to the impressive ceremonial of the Roman Catholic Church, not only attests the zeal of the teachers, but also that their plan of educating was peculiarly adapted to the mental capacity of the Oregon Indian. In some instances, tribes have imposed upon themselves the restraints incident to a semi-civilized condition of life. In national caste and predilection, the Oregon Catholic Mission must be regarded British. British subjects, present in the country, petitioned a bishop of a diocese in British territory, for its establishment. The archbishop who founded the mission expressly intended that its operations should be restricted to "north of the territory, possession whereof is contested by the United States." His grant was based upon British expectancy that the Columbia river would be recognized as the northern boundary of the United States' territorial claim to Oregon. Before acting upon the petition, permission of the Hudson's Bay Company to enter the territory had been asked and obtained. The fields in which the missionaries were to operate were to depend upon the approbation of officers



H. Mc DONALD,
FOREST GROVE, OR



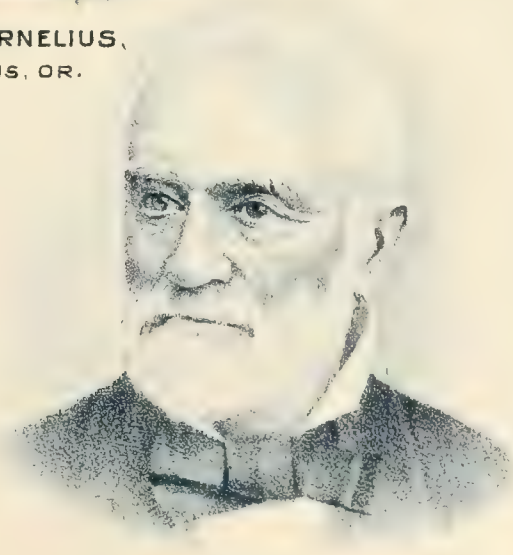
MRS. H. Mc DONALD,
FOREST GROVE, OR.



COL. T. R. CORNELIUS,
CORNELIUS, OR.



HON E. D. SHATTUCK,
PORTLAND, OR.



HON. A. BUSH,
SALEM, OR.

of the company on duty in Oregon. Nor was the mission reinforced until the company had yielded its assent. But those missionaries were not narrow men; in their good offices, their charitable labors, they disregarded nationality and race. The mission had been originated for the amelioration of native tribes and the French Canadians then in the country; nor have those features ever been lost sight of in its whole history, or that of its successor, the church into which it has amplified. That church, with the same success, with the same interest in the aborigines, still continues its missionary work in that vast region once so ably occupied by Blanchet and Demers, the zealous pioneers of the Oregon Catholic Mission.

Chapter XXVII.

(1836–1840.)

Young and Carmichael Abandon Erection of Distillery — Formation of California Cattle Company — Visit to Willamette by Purser Slacum, U. S. Navy, Special Agent — First Petition to Congress of J. L. Whitcom and others — Farnham, Holman and Others Leave Peoria, Ill., for Oregon — Sir Edward Belcher's Surveying Expedition in Columbia River — Arrival of Rev. J. S. Griffin — Missionary Party of Clark, Smith and Littlejohn — Dr. Robert Newell Brings Wagons to Fort Walla Walla — Population of Territory at Close of 1840.

EWING YOUNG, whose arrival in the Willamette valley has been chronicled, growing tired of merely tending his stock, had resolved on a more active money-making pursuit. He had formed a partnership with Carmichael (one of the party) to erect a distillery. At this time, the salmon fishery enterprise of Captain Wyeth was about to be abandoned; and the firm had purchased the caldron which had been designed for pickling salmon, and had commenced the building. The officials of the Hudson's Bay Company, the Methodist missionaries, and a majority of the settlers, protested against the enterprise. It was urged that its consummation would be ruinous to a farming settlement, and most dangerous and hurtful in a new country with an Indian population and its class of inhabitants. As an inducement to abandonment, the offer was made to start the firm in a saw or grist mill or other business, and to reimburse them for the expenditure they had incurred. An address was presented to Messrs. Young and Carmichael, signed by nearly every person in the settlement. Public opinion was respected and the firm obeyed the popular wish. They abandoned their project and also refused the proffered remuneration.

The formation of the California Cattle Company was the principal feature of the fall and winter of 1836. It was a joint-stock company, whose purpose was to import from California horses and cattle. The shares were to be proportionate to the amount contributed. Half the stock was taken by the Hudson's Bay Company. Rev. Jason Lee, superintendent of the Oregon Methodist Mission, invested six hundred dollars. The settlers contributed amounts as they were able. Others engaged as drivers at one dollar per day, to be paid in cattle at actual cost. The party was headed by Ewing Young. P. L. Edwards, a lay member of the Methodist Mission, accompanied as treasurer. These officers were to receive compensation in cattle at prime cost.

It becomes necessary here to introduce Purser William A. Slacum, of the United States Navy, who arrived in Oregon in December, 1836, in the brig *Loroit*, chartered at Honolulu. He zealously co-operated in this cattle enterprise, rendering valuable aid to the American settlers. As before quoted from Mr. Courtney M. Walker's pioneer article, it was probably owing to the published representations of Hall J. Kelly as to the treatment of Young and himself at Fort Vancouver, as also his observations upon the

country, that President Jackson had instructed William A. Slacum, United States Navy, as special agent to visit Oregon and make investigations, as also to report upon the country, its soil, climate, resources, etc.

Of Slacum's visit to Fort Vancouver, Chief Factor McLoughlin remarks: "On arriving, he pretended he was a private gentleman and had come to meet Messrs. Murray and companions, who had left the States to visit the country. But this did not deceive me, as I perceived who he was and his object. His report of the mission subsequently published in the proceedings of Congress established that my surmises were correct."

The arrival of Purser Slacum was opportune for the settlers. He offered to the purchasers and employés of the cattle company free passages in his vessel to San Francisco. Having arrived in California, they bought 800 head of cattle at $3 per head, and forty horses at $12 each. A number of the cattle were lost in swimming the rivers, some strayed, and some were killed by the Shasta Indians. They reached Willamette in October, 1837, with about 600 head.

The horses were put up at auction and distributed to the contributors, at the prices bid. The cattle were found to have cost, delivered at Willamette Falls, seven dollars and sixty-seven cents per head. The Methodist Mission received eighty head. Those settlers who had borrowed tame and broken cattle from the Hudson's Bay Company were now allowed by Dr. McLoughlin to return California cattle in exchange, thereby stocking their farms with cattle at less than eight dollars per head. As the Hudson's Bay Company desired to use the cattle for beef, Dr. McLoughlin accepted young stock for the share due the company.

There is no record of the arrival of any independent settlers during 1837.

(1838.) In March, J. L. Whitcom (1) and thirty-five others, describing themselves as settlers residing south of the Columbia river, addressed to Congress the first memorial from within the territory, praying that Federal jurisdiction might be extended over Oregon. Lewis F. Linn, of Missouri, presented it in the United States Senate, January 28, 1839. It represents that American settlement began in 1832. It temperately portrays the resources, climate and soil of the region, alludes to its advantageous commercial position, and foreshadows the importance of Pacific commerce. The relation of the settlers to the Hudson's Bay Company is discussed, and the necessities of law for the well being of the community indicated.

"The territory must populate. The Congress of the United States must say by whom. The natural resources of the country, with a well-adjusted civil code, will invite a good community. But a good community will hardly emigrate to a country which promises no protection for life or property. Inquiries have already been submitted to some of us for information of the country. In return, we can only speak of a country highly favored of nature. We can boast of no civil code. We can promise no protection but the ulterior resort of self-defense. By whom, then, shall our country be protected? By the reckless and unprincipled adventurer, or by the hardy and enterprising pioneer of the west? By the Botany Bay refugee, by the renegade of civilization from the Rocky Mountains, by the profligate deserted seaman from Polynesia, and the unprincipled sharpers from South America? We are well assured it will cost the government of the United States more to reduce elements so discordant to social order than to promote our permanent peace and prosperity by timely action of Congress. Nor can we suppose that

(1) Mr. Whitcom was mate of the vessel in which Dr. White and other Methodist missionaries came as passengers arriving in the Columbia river in 1837. He had been employed by the mission as foreman.

so vicious a population could be relied on in case of a rupture between the United States and any other power. Our intercourse with the natives among us, guided much by the same influence which has promoted harmony among ourselves, has been generally pacific. But the same causes which will interrupt harmony among ourselves will also interrupt our friendly relations with the natives. It is, therefore, of primary importance, both to them and us, that the government should take energetic measures to secure the execution of all laws affecting Indian trade and intercourse of the white men with Indians."

About the 1st of May, 1839, a party numbering eighteen (1) left Peoria, Illinois, for the purpose of establishing a settlement, fishery and commercial enterprise at the mouth of the Columbia river. Thomas J. Farnham, a lawyer and journalist, was captain. The late Joseph Holman, so long and favorably known at Salem, was of the party. He was a cooper by occupation; and he was to make barrels, in which salmon were to be packed and shipped. Amos Cook, Francis Fletcher and R. L. Kilbourn, who came through that year to Willamette, were of the party, as was also Sidney Smith, who arrived in Oregon at a later period. The wife of Farnham accompanied the march westward for several days, during which time she prepared a neat little banner, inscribed, "Oregon, or the Grave." Captain Farnham left his party at Bent's fort, and, with a guide, pushed ahead, reaching Fort Vancouver long in advance of any of his companions. He remained there until November, at which time he sailed in one of the Hudson's Bay Company's vessels to the Sandwich Islands, and thence to the States.

Joseph Holman justly and happily says: "Our's was the first party that crossed the plains to Oregon to become permanent settlers and citizens. We came to make homes; but not even the missionaries of that day actually came to stay as we did."

As this was the first *bona-fide* pioneer immigration of American citizens who voluntarily made the great march across the continent to settle and make permanent homes in Oregon, to occupy it, to hold it, to Americanize it,—the story of its march, its vicissitudes, its trials, recounted in the language of its prominent member, is deemed of vital interest. Said Joseph Holman:

"This company of eighteen men started with a two-horse team and some loose horses. Fort Independence, Missouri, was considered the frontier at that time, and there they changed their programme for travel. They sold the team and wagon, and outfitted anew with saddle horses and pack animals. Here they mounted their nags from the plains, and drove on before them pack animals that carried all their necessary baggage and supplies. Their train now consisted of over twenty, probably nearly thirty, mules and horses. They went south from Independence towards Santa Fé, took their route up the Arkansas river to Bent's fort, and thence to Bent's other fort, or trading-post, on the south fork of the Platte. They were now in exclusively Indian territory, where they had good grass and an abundance of buffalo. Sometimes the herds of bison were so impenetrable that they had trouble to drive them out of their way, and couldn't hear themselves speak for the constant roaring of these animals. They had meat in abundance, though none of them were good hunters. One of them would ride up by the side of a buffalo calf and shoot it with his pistol. Sometimes they only took out the tongues, as they were considered a great delicacy. They had neither flour nor salt, but lived on 'meat straight' much of the time, in fact, all the way to the Columbia river. Buffalo lasted on the plains as far as Bear river. For a month there was no time they could not go out and find droves of American bison. Occasionally they would stop a day to hunt whenever there was a scarcity of meat.

(1) The statement of Joseph Holman, one of the party, to S. A. Clarke, see Pioneer Days, Article IV. *Sunday Oregonian* gives eighteen as the number. T. J. Farnham, the captain, in his published "Travels in the Great Western Prairies," commences thus: "On the first day of May, 1839, the author and thirteen others were making preparations to leave Peoria."



M. BAKER,
LA GRANDE, OR.

"On the south fork of the Platte, they met a war party of Sioux, who stole two of their horses in the night time. Those were the only unfriendly savages they met all the way to Oregon. Their own party, though small, were well armed, and stood guard every night. The plains Indians, in that year, had only bows and arrows, with occasionally an old flint-lock gun that would not go off well. So our party, though small, could protect themselves easily against a much larger force of Indians with native weapons. They left Independence the last of May, and stopped a month at Bent's fort on the South Platte to recruit animals and secure a guide to Brown's Hole on Green river, where they all wintered.

"They reached Brown's Hole in September, and found it located among the sage brush of the river bottom. Here they found Jo Meek and Dr. Newell, and other famous free trappers and hunters whose histories are associated with early times in Oregon. There was also a large band of Snakes or Sho-sho-nes. All these men said, 'You had better wait until spring.' So we built our cabins to winter in and went back to Bear river, where we killed buffalo, to dry the meat and cure it for our winter supply. This we packed to our winter encampment at Brown's Hole. It was a trading place only, but it suited the traders to call it a 'fort.' We spent the winter as well as we could, and feasted on dried buffalo straight. The Indians sometimes had broken guns; and we mended the stocks, or did other such things for the savages as were necessary. We made saddles that we took to Fort Hall and exchanged for supplies and clothing in the spring. There were plenty of deer and mountain sheep to kill. We wintered well, and had no sickness.

"At Bent's fort, on the South Platte, some of our party had turned back discouraged. A few stayed to trap there; some went to Santa Fé. Fletcher, who came with us, died recently in Yamhill county; Amos Cook lives near Lafayette; Kilbourn went to California in 1842. These made the four that came through with Dr. Newell in March from Brown's Hole to Oregon. All of the eighteen who started and came through were Fletcher, Cook, Kilbourn and myself (Holman). We encountered deep snows on the way to Fort Hall in the mountains. Our hardships were greater than we at any time before encountered. We had to spread down blankets on snow drifts for our animals to pass over, and also did the same on the frozen creeks. Finally our horses were nearly starved, and ourselves almost famished. We bought Indian dogs and ate them. We were a month in deep snows. The horses throve on young cottonwood growing in the creeks. We gave them this and they did well on it. They ate greedily. We had started early so as to avoid war parties of unfriendly savages. Three days from Fort Hall we found a single old buffalo bull. It was very poor, but we killed it. We had been three days without food, and were getting over our raving hunger when we killed the buffalo. At Fort Hall, we found dried salmon and a little corn, and thought it was very luxurious living.

"We remained three weeks at Fort Hall, waiting for them to get ready to bring down their furs to Walla Walla. Then we came down Snake river with two fur traders. We left Fort Hall in May, and had a very pleasant journey from there to Walla Walla. We came down the north side of the Columbia, crossed over at The Dalles, and then took the Columbia river trail on the south side. We reached Vancouver the same day that forty missionaries arrived there by sea, including Lee, Parrish and others. Dr. McLoughlin was astonished to see us, and looked on us with great surprise. He said he wondered that four men should cross the continent alone. He sent us to the company's dairy to get something to eat. We were dressed in buckskin and went bareheaded. We traded

him beaver skins for clothes, and looked like civilized men once more. Fletcher had some money, but they charged twenty per cent for exchanging it for British money or goods."

In "Notes by Dr. McLoughlin," reference is made to William Geiger and William Johnson having visited Fort Vancouver. "They represented themselves as having been sent by people in the States to examine the country and make report. Johnson sailed for the Sandwich Islands. Geiger went as far as California and thence returned by land." He became a permanent settler.

In the summer of 1839, the little handful of Americans in the Willamette valley experienced extreme solicitude, upon the appearance in the Columbia river of a British surveying expedition, commanded by Captain Sir Edward Belcher, Royal Navy. It consisted of her Majesty's ship *Sulphur*, 380 tons, with a complement of 109 men, attended by her Majesty's schooner *Starling*, of 109 tons, Lieutenant H. Kellett, Royal Navy, commanding.

This expedition for the survey of the Pacific coast, from Valparaiso to sixty degrees, thirty-one minutes north, and originally under command of Captain F. N. Beachey, R. N., had sailed from Plymouth, England, December 24, 1835. On reaching Valparaiso, Captain Beachey, in consequence of ill health, was compelled to return to England. Lieutenant Kellett commanded until January, 1837, at which time Captain Belcher joined the *Sulphur* at Panama. Nor were the jealous fears of these American settlers without occasion. Among the instructions by the British Admiralty, dated December 19, 1835, was the following:

"Political circumstances have invested the Columbia river with so much importance, that it will be well to devote some time to its bar and channels of approach, as well as to its anchorage and shores."

From a narrative of the voyage by Sir Edward Belcher, we quote the following extracts:

"On the 28th of July, 1839, H. B. M. ship *Sulphur* reached the mouth of the Columbia river, when Lieutenant Kellett, having descried us, weighed and stood with the *Starling* to conduct us in."

* * * * * * *

"On the 9th of August, after being nearly devoured by mosquitoes, we reached Fort Vancouver, where we were very kindly received by Mr. Douglas, and had apartments allotted to us."

The instructions of the British government in fitting out this surveying expedition clearly foreshadowed the British programme of acquiring Oregon by acts of occupancy. It is evident that the territory north of the Columbia was deemed British soil. Captain Belcher numbers the American element in Oregon as "twenty American stragglers from California, ten clergymen, teachers, etc., American Methodist Mission and four missionary stations in the interior." British feeling against these whom they regarded as trespassers and intruders, who are denounced as "stragglers," is faithfully portrayed in Belcher's narrative. It is a British view of Oregon in the fall of 1839, and indicates the situation of the pioneers,—their duties, their dangers, their responsibilities, their outlook of the future.

In the fall, Rev. J. S. Griffin and wife, accompanied by Asahel Munger and wife, having that season crossed the Rocky Mountains, arrived at Fort Vancouver. They had designed to establish a self-supporting Indian mission, independently of the patronage of any missionary board. They expected that the Indians would return labor for teachings bestowed, but very quickly experienced that such a theory with such a people was barren

of results. Mr. Griffin and wife came to the Willamette valley. Munger attached himself to the Methodist Mission and became deranged. He was a blacksmith, a good mechanic. He fancied that Christ would work a miracle to convince people that certain doctrines he entertained were communicated to him by God. Going one evening into his shop, he fastened one hand by a nail to the side of, or above, the fireplace, and then hung himself into the fire. Before his situation had become discovered, he was so seriously injured that he died within three days.

(1840.) Revs. Harvey Clarke, Alvin T. Smith and P. B. Littlejohn, with their wives (Congregationalists), came as missionaries upon the self-supporting plan. Their intended field of labor was in the interior. Meeting with no success among the Indians, they became settlers in the Willamette valley. In March, this little colony in two wagons left Quincy, Illinois, for Independence, Missouri. They started westward the last of April, overtaking a spring caravan of the American Fur Company at Hickory Grove. At that point, Henry Black joined their party and came through with them. That caravan had also been joined, at several points on the road, by Joel Walker, Pleasant Armstrong, George Davis and Robert Moore, who became settlers of the Willamette valley this year. Arriving at the rendezvous, they met several Rocky Mountain men, free trappers, among whom were Dr. Robert Newell, Caleb Wilkins, Colonel Joseph L. Meek, George W. Ebberts, William Doughty and William Craig, several of whom settled this year in the Willamette. Says Mr. Smith: "These mountain men made us an escort to Fort Hall." The travels of these missonaries and their wives are interestingly described by Mr. Smith as follows:

"We brought wagons through to Fort Hall and left them there. One wagon and double harness we gave to Bob Newell to pay for piloting us from Green river to Fort Hall. From this place to Fort Boise, we packed our baggage and supplies, and rode on horseback ourselves. There had been no open road on the plains; but from Boise in there was a plain trail made by Indians and the fur-company men. Occasionally Indians would travel with us until the horses disappeared. After that, they left us. The ladies had side-saddles and easy-riding ponies, and made the journey very comfortably. They had two tents to sleep in, and so were protected from severe weather. Mrs. Smith and Mrs. Littlejohn had horses that paced easily, but usually they traveled on a walk. The company became short of provisions at Green river, but there laid in a supply of antelope and dried buffalo meat. These were purchased from Indians with trinkets. At Fort Hall, we exchanged something with the Hudson's Bay Company agent for a supply of flour. We killed very little game on the plains; but, to Green river, hunters were always out to kill what they could.

"There was no disagreement, and, except the prolonged weariness of the journey, all went pleasantly. The fur-company men and hunters had not the same idea of keeping the Sabbath as our party had, and could not be induced to lie by and rest on that day; but when we were by ourselves, this side of Fort Hall, we concluded to live up to our principles. So the Sabbath we neared Fort Boise, we determined to rest. We did so; and those who did not take that view of matters went on and left us.

"Near Fort Hall, we got less anxious concerning stock, as we thought we were out of the wild Indian country. One morning we found two of my horses missing, with some others. Wilkins could talk the language somewhat, and understood Indian ways well. Several Indians had been traveling with us and camping close by, turning their stock out near ours. Wilkins talked to one of these, and intimated that he could find the horses if

he wished to. The Indian was saucy for reply, and Wilkins knocked him down, and, when he got up, told him to go and find our horses. He went off, and very soon returned with them."

To Dr. Robert Newell must be ascribed the credit of bringing the first wagon from Fort Hall to Fort Walla Walla, establishing the practicability of wagon travel from the western frontier of Missouri, *via* the Rocky Mountains, to the Columbia river.

The party consisted of Dr. Newell and family, Colonel Joseph L. Meek and family, Caleb Wilkins and Frederick Ermatinger, chief trader in the Hudson's Bay Company. It had been regarded as sheer madness to attempt to travel with wagons from Fort Hall, through the Snake river country, to the Columbia. The missionaries (Clark, Smith and Littlejohn), as already stated, had accompanied the annual caravan of the American Fur Company to the Green river rendezvous, and from thence had employed Dr. Newell as pilot to Fort Hall. On reaching that point, they found their animals so reduced that they abandoned their two wagons; and Dr. Newell accepted them in compensation for his services.

In a letter to the author, Dr. Newell wrote: "At the time I took the wagons, I had no idea of undertaking to bring them into this country. I exchanged fat horses to the missionaries for their animals; and, after they had been gone a month or more for Willamette, and the American Fur Company had abandoned the country for good, I concluded to hitch up and try the much-dreaded job of taking a wagon to Oregon. I sold one of those wagons to Mr. Ermatinger, at Fort Hall. On the 15th of August, 1840, we put out with three wagons. Joseph L. Meek drove my wagon. In a few days, we began to realize the difficult task before us, and found that the continued crashing of the sage under our wagons, which was in many places higher than the mules' backs, was no joke. Seeing our animals begin to fail, we began to lighten up, finally threw away our wagon beds, and were quite sorry we had undertaken the job. All the consolation we had was that we broke the first sage on the road, and were too proud to eat anything but dried salmon skins after our provisions had become exhausted. In a rather rough and reduced state, we arrived at Dr. Whitman's mission station, in the Walla Walla valley, where we were met by that hospitable man and kindly made welcome, and feasted accordingly. On hearing me regret that I had undertaken to bring wagons, the Doctor said: 'Oh, you will never regret it; you have broken the ice, and when others see that wagons have passed, they, too, will pass; and in a few years the valley will be full of our people.' The Doctor shook me heartily by the hand. Mrs. Whitman, too, welcomed us; and the Indians walked around the wagons, or what they called 'horse-canoes,' and seemed to give it up. We spent a day or so with the Doctor, and then went to Fort Walla Walla, where we were kindly received by Mr. P. C. Pembram, chief trader of the Hudson's Bay Company, and superintendent of that post. On the 1st of October, we took leave of those kind people, *leaving our wagons*, and taking the river trail; but we proceeded slowly. Our party consisted of Joseph L. Meek and myself, also our families, and a Snake Indian, whom I brought to Oregon, where he died a year after our arrival. The party did not arrive at the Willamette Falls (Oregon City) till December, subsisting for weeks upon dried salmon, and upon several occasions were compelled to swim their stock across the Columbia and Willamette."

Such were the privations and hardships of reaching Oregon overland, as detailed by a Rocky Mountain man who had been inured to such travel during his whole life. Such was the heroic task to be assumed by the American pioneers.



COL. JOHN L. MORROW,

HEPPNER OR.

The brig *Maryland*, Captain John H. Couch, from Newburyport, Mass., arrived in the Columbia river. She was owned by the father of Caleb Cushing, an able champion of the American right to Oregon in the Congress of the United States, and was the pioneer of a fleet of vessels which established commerce in the Columbia river. A few years later, the genial Couch abandoned the sea, and settled near Portland, and inaugurated the first successful independent mercantile operation in Oregon. The visit of a British surveying expedition, commanded by Sir Edward Belcher, R. N., stimulated the urgent petition of 1840, to Congress, of Rev. David Leslie and others, "residents in Oregon Territory, and citizens of the United States, or persons desiring to become such," praying that measures should be early adopted to embrace Oregon within Federal jurisdiction. The emphatic declaration of the intention to *Americanize* Oregon thus premises:

"They have settled themselves in said territory under the belief that it was a portion of the public domain of said States, and that they might rely upon the government thereof for the blessing of free institutions and the protection of its arms. But they are uninformed of any acts of said government by which its institutions and protection are extended to them; in consequence whereof, themselves and families are exposed to be destroyed by savages around them, and others who would do them harm. They have no means of protecting their own and the lives of their families, other than self-constituted tribunals originating and sustained by the power of an illy-instructed public opinion, and a resort to force and arms. That their means of safety are an insufficient safeguard of life and property; that they are unable to arrest the progress of crime without the aid of law, and tribunals to administer it."

A lofty American sentiment pervades the document. It urges the immediate establishment of a territorial government. The value of the territory to the nation is demonstrated. The government is warned of the efforts of Great Britain to secure its acquisition. It refers to the continued presence of a British frigate upon the coast; the survey, in 1839, by Belcher's expedition of the Columbia river and the adjacent bays and harbors as meaning future occupancy; and charges the Hudson's Bay Company with seizing valuable points and portions of the territory to forestall and defeat American settlement. Congress is admonished that officers of the company are persistently asserting that the British Crown had granted to the Hudson's Bay Company the territory north of the Columbia river. Various acts of dominion over the soil exercised by the company are detailed; the memorialists earnestly protest against *Anglicizing* that region by networks of so-called trading-posts,—establishments designed rather to secure ultimate ownership of territory than for purposes of Indian trade.

The soil, climate and general features are faithfully delineated. The capacity of the territory to support a large population is conclusively illustrated. The magnificent lumbering resources, the fisheries, the large bodies of agricultural land, are heralded. After having invoked Congress to do its duty to the nation by asserting jurisdiction over Oregon, it says:

"Your petitioners would beg leave especially to call the attention of Congress to their own condition as an infant colony, without military force or civil institutions to protect their lives and property and children, sanctuaries and tombs, from the band of uncivilized and merciless savages around them. We respectfully ask for the civil institutions of the American Republic. We pray for the high privileges of American citizenship; the peaceful enjoyment of life; the right of acquiring, possessing and using property, and the unrestrained pursuit of rational happiness."

At the close of 1840, Judge Deady says: "The population of the country, exclusive of the company and Indians, was about 200. Of these, one-sixth were Canadians. Nine-tenths of them were located west of the Cascade Mountains, and almost all of them in the Willamette valley. But the power and prestige resulting from wealth, organization and priority of settlement, were still on the side of those who represented Great Britain. It was a common opinion among all classes, that in the final settlement of boundaries between the two countries, the territory north of the Columbia might be conceded to Great Britain; and the principal settlements and stations of the British and Americans were located with reference to this possibility. So stood the matter thirty-five years after the American exploration of the Columbia river by Lewis and Clark. A casual observer might have concluded that the country was doomed to remain a mere trapping and trading ground for the company, for generations to come. But a new force was now about to appear on the scene and settle the long-protracted controversy in favor of the United States. It was the Oregon argonauts, moving across the continent in dusty columns with their wives and children, flocks and herds, in search of the Golden Fleece that was to be found in the groves and prairies of the coveted lands of the Willamette. The actual occupation of Oregon for the purpose of claiming and holding the country as against Great Britain, and forming therein an American State, did not commence until after 1840. Very naturally the movement began in the west, and had its greatest strength in Missouri, Illinois and Iowa" (1).

(1) Annual address of Hon. Matthew P. Deady.—Oregon Pioneers, 1875.

Chapter XXVIII.

(1841.)

Abortive Effort to Form a Provisional Government — The United States Exploring Expedition — Captain Wilkes, United States Navy — First Fourth of July on Puget Sound — The Red River Colony to Puget Sound.

THE residents of Oregon, though few in number, had already become divided into parties, in the main influenced by nationality. British subjects were uniformly dependent upon the Hudson's Bay Company, in fact, were generally in its employ. The Canadian-French south of the Columbia river, with few exceptions, were its discharged servants. They had come under articles which guaranteed that they should not be discharged in the Indian country. At the end of their service, they were to be returned to their former homes. To avoid the non-fulfillment of such obligation, and to retain such class in the country, though relieved from service, they continued to be borne upon the company's books, as much under their control as before discharged, and fully as loyal to the company and its officers.

In the Willamette valley, the Methodist Mission constituted the nucleus around which rallied the American population. As yet there were no American settlers north and west of the Columbia river. The Protestant Missions in the interior were completely isolated from the Willamette settlements.

The Hudson's Bay Company reigned supreme north of the Columbia; south of that river, the Canadian-French owed it allegiance. Over the American and independent settlers, the mission exercised control. Each had its system of discipline; its programme of dealing with the natives; its mode of treatment of, and intercourse with, those independent of its organization. Those two recognized elements of authority, those two governing influences, had rendered unnecessary the establishment of any other governmental agency. Had all the inhabitants been connected with one or the other of those establishments, been amenable to the discipline of one or the other of those organized agencies, no necessity would have invited further restraint than that imposed in the relation of employer.

The death of Ewing Young, an independent settler, in February, without kindred, was an event of interest to the infant settlement. Not connected with either the mission or the company, possessor of considerable property, how was that property to be distributed? By whom was his estate to be settled? To whom was its management to be intrusted? Such an event naturally suggested the utility, not to say the absolute necessity, of laws,— of legislatures to make them, of courts to administer them, and of a government to enforce their due observance. After his burial, those who had attended the funeral improvised a meeting to confer upon the situation. A committee was selected, from whom emanated the call for the "Primary Meeting of the People of Oregon."

That pioneer political convention assembled on the 17th of February, 1841, at the American Mission House. Rev. Jason Lee presided, Rev. Gustavus Hines acting as secretary. Its purpose: "Consultation concerning the steps necessary to be taken for the formation of laws, the election of officers to execute the same, and for the better preservation of good order."

No residents north of the Columbia participated. A resolution had been adopted, "That all settlers north of the Columbia river, not connected with the Hudson's Bay Company, be admitted to the protection of our laws on making application to that effect." The residents south of the Columbia river, of every nationality, all north of the river, except those connected with the Hudson's Bay Company, could, by application, become a part of the said government. This exclusion of those connected with the Hudson's Bay Company, this condition that residents north of the Columbia should make application, should not be attributed to a spirit of proscription by American settlers. It was rather the recognition of that prevailing sentiment, that faith steadily inculcated by the officers of the Hudson's Bay Company,—that the Columbia river would be the ultimate boundary line between the United States and Great Britain.

North of the Columbia, the company's occupation was as exclusive, its jurisdiction as complete, as though the region were a recognized part of the Hudson's Bay Territory. Under the provisions of an act of Parliament of July 2, 1821, entitled, "An act of establishing a criminal and civil jurisdiction within certain parts of North America," officers of the company had been commissioned justices of the peace; the jurisdiction of the courts of Canada has been extended to the Pacific; British subjects who contemned the company's authority, who were unruly or lawless, or who ignored the exclusive license of trade, could be tried by such justices, and punished or sent to Canada for trial. Hence, north of the Columbia, there was no necessity for additional law. The company's discipline was all-sufficient to regulate its officers, employés and servants. The act of Parliament conferred authority to prevent the intrusion of British subjects; to assure respect of the company's authority; affixed punishment by forms of statute law when the discipline of the company proved inefficient. By that statute, Great Britain had extended British law over the whole of Oregon. It had really clothed the company with ample jurisdiction over every British subject within the territory. North of the Columbia river was practically a British province.

Agricultural settlement by Americans south of the Columbia had not been opposed by the company's officers at Fort Vancouver; but, to the Willamette valley, such settlement had been restricted. Thoroughly aware of their utter inability to destroy the exclusiveness of the company's sway north of the river, this resolve must be only construed as an intended declaration of non-interference. It recognized the situation; but, with true American welcome, those government-builders would receive such as applied for protection. By such resolution, the settlers only conceded that the company already enjoyed, north of the river, what the American settlers needed in the Willamette valley.

On the 17th, but few attending, the meeting adjourned. On the 18th, almost the entire population of the Willamette valley were present. Protestant and Catholic, American and Canadian-French, missionary and layman, alike attested the popular interest. Rev. David Leslie presided. Rev. Gustavus Hines and Sidney Smith were secretaries. One committee was appointed to nominate officers of the newly formed colony, another to draft a constitution and code of laws. While this project was inaugurated and mainly urged



JAMES B. STEPHENS,
EAST PORTLAND, OR.



MRS. ELIZABETH STEPHENS.
EAST PORTLAND, OR.

by the Methodist Mission, yet an inspection of the names of the committee demonstrates that the effort was made to conciliate every interest, to recognize every class, every sect, every nationality.

The same policy was manifested in selecting officers. There was a scrupulous regard for all the elements of that little community,—that no one should be ignored, that each should be represented.

The meeting adopted the report of the nominating committee, thereby electing Dr. I. L. Babcock Supreme Judge with probate powers; George W. Le Breton, Recorder; William Johnson, Sheriff; three justices of the peace and three constables. Until the committee should report a constitution and code of laws, Judge Babcock was instructed to act according to the laws of New York. The best of feeling prevailed, all seemed animated with the same idea, and the meeting adjourned until the first Tuesday in June.

At the adjourned meeting, Rev. David Leslie presided, with the same secretaries as at the primary meeting. The committee to draft a constitution and code of laws were called upon to report. Rev. F. N. Blanchet, chairman, responded that the committee had held no meeting, and that no report had been prepared. At his request, he was relieved from the committee. Dr. William J. Bailey was substituted.

The committee were instructed to meet on the first Monday in August. The first Monday in October was designated as the time to receive and act upon the constitution and code of laws. They were also instructed to confer with Captain Charles Wilkes, United States Navy, commander of the United States exploring expedition, then in the Columbia river, and with Dr. John McLoughlin, Chief Factor of the Hudson's Bay Company and executive officer of its affairs west of the Rocky Mountains.

The meeting, by the reconsideration of the vote adopting the report of the nominating committee, had annulled the election of officers. A resolution was then passed, "That the committee to draft a constitution and laws be instructed to take into consideration the number and kind of officers it will be necessary to create in accordance with the constitution and code of laws, and report the same to the next meeting; and that the report of the nominating committee be referred to said committee."

The anxiety to form a government, which had manifested itself at the February meeting, had grown into indifference at the meeting in June. Rev. F. N. Blanchet's declination to serve upon the committee, the resolution to consult Chief Factor McLoughlin and Captain Wilkes, were all indicative of intended abandonment of the project. The settlers, by their first resolution, had conceded that the Hudson's Bay Company could have no real desire to aid in establishing a government; the retirement of Blanchet was evidence that the Canadian-French were not ready for the imposition of laws. Captain Wilkes, a commissioned officer of the United States government, could not officially advise such a project in the face of the Joint-Occupancy Treaty; neither could he countenance the formation of an independent state or community on the shores of the Pacific. The June meeting having undone all that had been effected in February, then completed necessary arrangements by which this first attempt to establish a government in Oregon should be nipped in the bud.

The American members of that committee, in obedience to instructions, called upon Captain Wilkes.

Before this interview with the committee, the Rev. Mr. Blanchet, in charge of the Catholic mission near Champoeg, had been visited by Captain Wilkes. In that visit,

Mr. Blanchet "spoke much about the system of laws the minority of the settlers were desirous of establishing, but which he had objected to, and advised his people to refuse to co-operate in; for he was of opinion that the number of settlers in the Willamette valley would not warrant the establishment of a constitution; and, as far as his people were concerned, there was certainly no necessity for one, nor had he any knowledge of crime having been yet committed." Captain Wilkes remarks: "From my own observation, and the information I had obtained, I was well satisfied that the laws were not needed, and were not desired by the Catholic portion of the settlers. I therefore could not avoid drawing their attention to the fact, that, after all the various offices they proposed making should be filled, there would be no subjects for the law to deal with. I further advised them to wait until the government of the United States should throw its mantle over them" (1).

The adjourned citizens' meeting was never held. Thus fell, still-born, that first and premature attempt to establish a government in Oregon.

The reference to Captain Wilkes renders unnecessary the statement that Oregon was visited this year by the United States exploring expedition, commanded by that distinguished officer of the United States Navy. As appears by the instructions of the Navy Department:

"Entirely divested of all military character, its objects were altogether scientific and useful, intended for the benefit equally of the United States and all the commercial nations of the world." In assigning officers, the President did not select from senior ranks of the navy, nor according to grade of service. Lieutenant Charles Wilkes was appointed chief; and Lieutenant William L. Hudson, though superior in rank, was selected second in command. The instructions of Hon. James K. Paulding, Secretary of the Navy, bear date August 11, 1838:

"The Congress of the United States, having in view the important interests of our commerce embarked in the whale fisheries, and other adventures in the great southern ocean, by an act of the 18th of May, 1836, authorized an expedition to be fitted out for the purpose of exploring and surveying that sea, as well to determine the existence of all doubtful islands and shoals as to discover and accurately fix the position of those which lie in or near the track of our vessels in that quarter, and may have escaped the observation of scientific navigators."

Having in general terms indicated the order in which the voyage should be pursued, and designating the lands and seas to be explored, the squadron was to rendezvous at the Sandwich Islands.

"Thence you will direct your course to the northwest coast of America, making such surveys and examinations, first of the territory of the United States and seaboard, and of the Columbia river, and afterwards along the coast of California, with special reference to the Bay of San Francisco, as you can accomplish by the month of October following your arrival."

* * * * * * *

"Although the primary object of the expedition is the promotion of the great interest of commerce and navigation, yet you will take all occasions, not incompatible with the great purposes of your undertaking, to extend the bounds of science and promote the acquisition of knowledge. For the more successful attainment of these, a corps of scientific gentlemen, consisting of the following persons, will accompany the expedition:

(1) Wilkes' Exploring Expedition, Vol. IV, page 352.

"Horatio Hale, philologist; Chas. Pickering, naturalist; T. R. Peale, naturalist; Joseph P. Couthouy, conchologist; James P. Dana, mineralogist; William Rich, botanist; Joseph Drayton, draughtsman; J. D. Breckenridge, horticulturist." Of the scientific corps, Professor Couthouy was detached at Honolulu in the fall of 1840. The exploring squadron was composed of the *Vincennes*, sloop-of-war, 780 tons, Lieutenant Charles Wilkes, U. S. N., commanding; *Peacock*, sloop-of-war, 650 tons, Lieutenant W. L. Hudson, U. S. N.; ship *Relief*, Lieutenant A. K. Long, U. S. N.; brig *Porpoise*, Lieutenant Cadwalader Ringgold, U. S. N.; tender *Sea Gull*, Lieutenant Reid, U. S. N.; tender *Flying Fish*, Lieutenant Knox, U. S. N. The ship *Relief* had been sent home from Callao. The tender *Sea Gull* was lost in May, 1839. The squadron, before it had reached the Oregon coast, had been reduced to the ships *Vincennes* and *Peacock*, and the brig *Porpoise* and the tender *Flying Fish*.

The *Vincennes* and *Porpoise* had anchored on the 28th, in a small cove on the west side of an inlet, opposite the south end of Whidby Island, to which Captain Wilkes gave the name of Pilot's Cove. On the 11th, the vessels reached their anchorage off Fort Nisqually, and were heartily welcomed by Alex. C. Anderson, Esq., in charge of the fort, and by Captain McNeil, in command of the steamer *Beaver*, then undergoing repairs.

At Nisqually, Captain Wilkes initiated operations. The *Porpoise*, with two of the *Vincennes*' boats, under Lieutenant Ringgold, surveyed Admiralty Inlet. The launch, first cutter and two boats of the *Vincennes*, under command of Lieutenant Case, surveyed Hood's Canal. A land party, to explore the interior, was assigned to Lieutenant Johnson, and was accompanied by Dr. Pickering and Mr. Breckenridge. Eighty days were allowed to cross the Cascade Mountains, to go as far as Colvile, and south to Lapwai Mission, thence to Walla Walla, and return *via* the Yakima river, across the Cascade Range, to Fort Nisqually.

The other land party consisted of Captain Wilkes, Purser Waldron, Mr. Drayton and two servants, two Indians and a Canadian guide, with four pack horses. This party crossed to the Columbia river, thence to Astoria, thence to Fort Vancouver. The Willamette settlements were visited. It had been the intention to go up the Columbia to Fort Walla Walla. At Astoria, Captain Wilkes had expected to meet the *Peacock*; and, by means of her boats, the Columbia river was to have been surveyed. Disappointed by the failure of tidings from the *Peacock*, Captain Wilkes rejoined the *Vincennes* at Nisqually on the 16th of June.

Fourth of July, 1841, was the first celebration of our nation's birthday on Puget Sound. Captain Wilkes thus describes that interesting occasion:

"Wishing to give the crew a holiday on the anniversary of the declaration of our independence, and to allow them to have a full day's frolic and pleasure, they were allowed to barbecue an ox, which the company's agent had obligingly sold me. They were permitted to make their own arrangements for the celebration, which they conducted in the following manner. The place chosen for the purpose was a corner of the Mission prairie. (This was the prairie upon which Dr. Richmond and Mr. Wm. H. Wilson had established the Puget Sound Missionary Station.) Here they slaughtered their ox and spitted him on a sapling supported over the fire, which was made in a trench. The carcass could thus be readily turned; and a committee of the crew was appointed to cook him. Others were engaged in arranging the amusements. All was bustle and activity on the morning of the 5th, as the 4th fell upon Sunday. Before nine o'clock, all the men were mustered on board in clean white frocks and trousers, and all, including the marines and

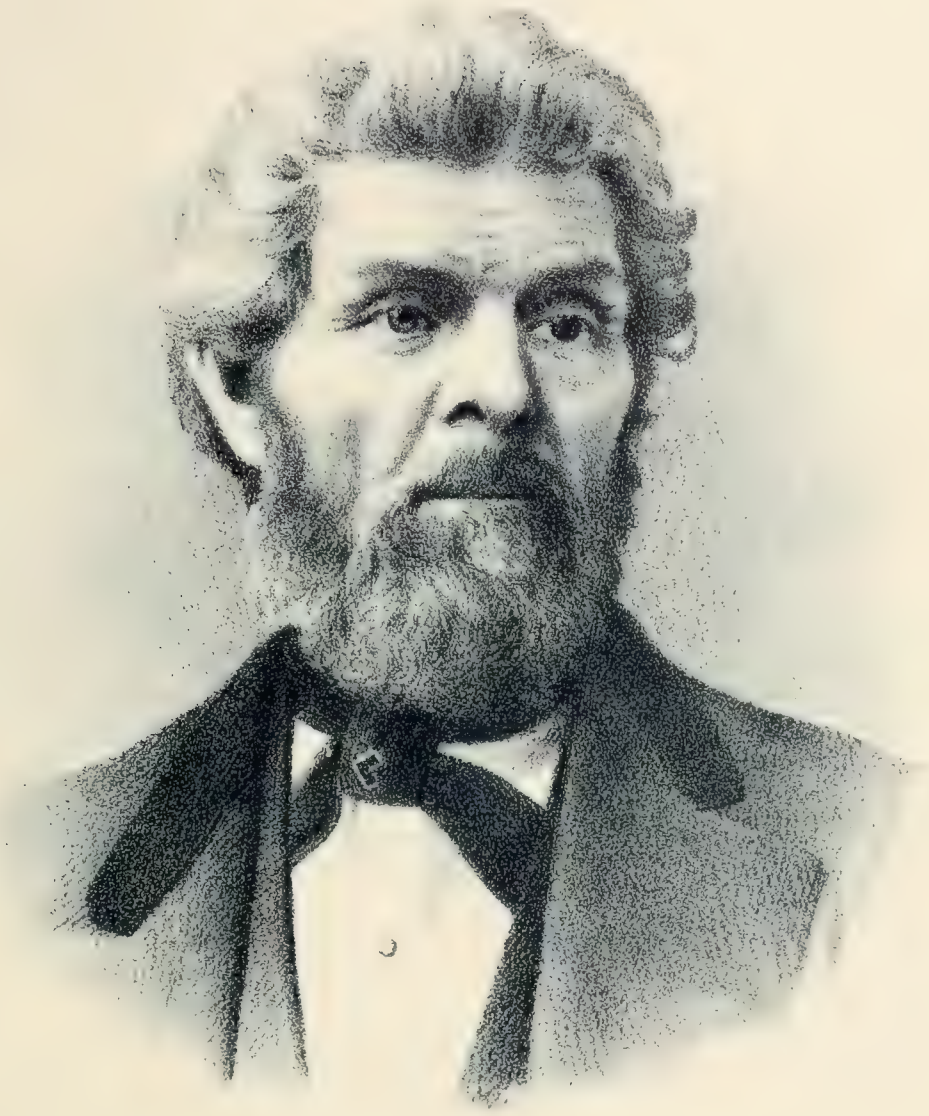
music, were landed shortly after, to march to the scene of festivity, about a mile distant. The procession was formed at the observatory, whence we all marched off, with flags flying and music playing, Vendovi and the master-at-arms bringing up the rear. Vendovi was dressed out after the Fiji fashion. * * * Two brass howitzers were also carried on the prairie to fire the usual salutes. When the procession reached Fort Nisqually, they stopped, gave three cheers, and waited, sailor-like, until it was returned. This was done by only a few voices, a circumstance that did not fail to produce many jokes among the seamen. On reaching the ground, various games occupied the crew, while the officers also amused themselves in like manner. At the usual hour, dinner was piped, when all repaired to partake of the barbecue. By this time the Indians had gathered from all quarters, and were silently looking on at the novel sight, and wistfully regarding the feast which they saw going on before them. At this time the salute was fired, when one of the men, by the name of Whitborn, had his arm most dreadfully lacerated from the sudden explosion of the gun. This accident put a momentary stop to the hilarity of the occasion. The wound was dressed as well as it could be, and a litter was made on which he was at once sent to the ship. Men-of-war's men are somewhat familiar with such scenes; and, although this accident threw a temporary gloom over the party, the impression did not last long; and the amusements of the morning were now exchanged for the excitement of horse-racing, steeds having been hired for the purpose from the Indians. At sunset they all returned on board in the same good order they had landed. The rejoicings ended, the surveying party was again dispatched to complete the survey of Puget Sound."

On the 27th, while engaged in the examination of the *Archipelago de Haro*, Captain Wilkes received letters from Fort Nisqually advising him of the loss, on the 18th, of the ship *Peacock* on the Columbia bar.

The loss of the *Peacock* rendered necessary a material change of Captain Wilkes' operations. He transferred his pennant to the brig *Porpoise*, and with that vessel, the *Flying Fish* and the boats of the *Peacock*, surveyed the Columbia river to its extreme navigable point. Lieutenant Ringgold was transferred to the *Vincennes*, which ship, with the late officers from the *Peacock*, was ordered to San Francisco to survey the Sacramento river. Fortunately, the brig *Thomas H. Perkins*, Captain Varney, from Boston, was then at Astoria. She had been chartered by Dr. McLoughlin, but he released the vessel, and Captain Wilkes purchased her. After necessary alterations, she became the *Oregon*, and was assigned to the command of Lieutenant Carr.

In accordance with instructions of the Navy Department, all the exploring parties having completed their duties in Oregon, by the 28th of October, 1841, had reported to Captain Wilkes in San Francisco.

In August, 1841, Sir George Simpson, Governor of the Hudson's Bay Company Territory, then making an overland journey round the world, visited Oregon Territory. On the 1st of September, accompanied by Governor James Douglas, chief factor Hudson's Bay Company, he took leave of Captain Charles Wilkes, and the officers of the United States exploring expedition, then at Fort Vancouver, engaged in surveying the Columbia river. Sir George was starting for Fort Nisqually, where the steamer *Beaver*, Captain William McNeil, awaited to convey him to Sitka. Forty-eight hours in the Hudson's Bay Company's *bateau* brought the party to the Cowlitz farms of the Puget Sound Agricultural Company. Here is Sir George Simpson's picture of Cowlitz and Nisqually in the fall of 1841:



HON. LOREN B. HASTINGS,

PORT TOWNSEND, W. T.

(DECEASED)

"Between the Cowlitz river and Puget Sound, a distance of about sixty miles, the country, which is watered by many streams and lakes, consists of an alternation of plains and belts of wood. It is well adapted both for tillage and pasturage, possessing a genial climate, good soil, excellent timber, water power, natural clearings and a seaport, and that, too, within reach of more than one advantageous market. When this tract was explored, a few years ago, the company established two farms upon it, which were subsequently transferred to the Puget Sound Agricultural Company, formed under the company's auspices, with the view of producing wheat, wool, hides and tallow, for exportation. On the Cowlitz farm there were already about a thousand acres of land under the plough, besides a large dairy, and an extensive park for horses and stock; and the crops this season amounted to eight or nine thousand bushels of wheat, four thousand of oats, with a due proportion of barley, potatoes, etc. The other farm was on the shores of Puget Sound (Nisqually Plains); and, as its soil was found to be better fitted for pasturage than tillage, it had been appropriated almost exclusively to the flocks and herds. So that now, with only two hundred acres of cultivated land, it possessed six thousand sheep, twelve hundred cattle, besides horses, pigs, etc. In addition to these two farms, there was a Catholic mission, with about one hundred and sixty acres under the plough. There were also a few Canadian settlers, retired servants of the Hudson's Bay Company; and it was to the same neighborhood that the emigrants from Red river were wending their way."

The purpose of that emigration was occupancy by colonization. It was an earnest exhibit of British policy, but more especially of the Hudson's Bay Company, to establish British agricultural colonies in Oregon north of the Columbia river, the better to assure *retention* of that region. It had become manifest that the ultimate settlement of the question of boundary between the United States and Great Britain might depend upon occupancy of the soil by actual settlers. The company engaged in this scheme of colonization, because by its license of trade it was restricted from acquiring and holding lands; its rights were merely possessory. It was a mere tenant for a term of years, not a settler. As an inducement to settlement, each head of a family had been guaranteed, on arriving, the use and increase of fifteen head of cows, fifteen ewes, the necessary work oxen or horses, house and barn accommodations. The colonists were from "the Red River Territory, which had been granted in 1811 by the Hudson's Bay Company to Lord Selkirk. The population consisted of Canadians, Orkneymen and Scotchmen and their mixed descendants. The half-breeds of every stock generally derive their aboriginal blood from the swampy Crees, who are allowed to be the most comely of all the native tribes, and who have, during the lapse of two or three ages, picked up something of civilization at the company's oldest posts."

On the 15th of June, 1841, twenty-three families, under the leadership of Captain James Sinclair, a clerk in the Hudson's Bay Company's service, left Manitoba, Red River Territory, for Puget Sound. They had started twenty-eight days earlier than Sir George Simpson; and he and his little party overtook them on the sixteenth day out from Port Garry. Says he: "These emigrants consisted of agriculturists and others, principally natives of Red River settlement. There were twenty-three families, the heads being young and active, though a few of them were advanced in life, more particularly one poor woman upwards of seventy-five years of age, who was following after her son to his new home. As a contrast to this superannuated daughter of the Saskatchewan, the band contained several very young travelers, who had, in fact, made their appearance in this world since the commencement of the journey. Beyond the inevitable detention which seldom exceeded

a few hours, these interesting events had never interfered with the progress of the brigade; and both mother and child used to jog on, as if jogging on were the condition of human existence.

"Each family had two or three carts, together with bands of horses, cattle and dogs. The men and lads traveled in the saddle, while the vehicles, which were covered with awnings against the sun and rain, carried the women and young children. As they marched in single file, their cavalcade extended above a mile in length; and we increased the length of the column by marching in company. The emigrants were all healthy and happy, living in the greatest abundance, and enjoying the journey with the highest relish. Before coming up to these people, we had seen evidence of the comfortable state of their commissariat in the shape of two or three still warm buffaloes, from which only the tongue and a few other choice bits had been taken."

The train traveled along up the Bow river (south branch of the Saskatchewan), and crossed the Rocky Mountains at the confluence of two of the sources of the Saskatchewan and Columbia rivers near Fort Kootenais, at an altitude of 8,000 feet. They left their carts on the east side at an abandoned post called the Mountain House. Treacherously deserted at Bow river by their guide, a half-breed of some education, they providentially met a Cree Indian, Bras Croche, who guided them through an excellent pass in the mountains, and continued with them to Nisqually. On the 5th of August, they crossed the summit of the Rocky Mountains and reached Fort Walla Walla on the 4th of October. That night, or on the morning of the 5th, the fort took fire and was entirely consumed. These emigrants assisted in moving the stock and effects; and by their opportune presence most of the property was saved. One of the party had returned to Fort Edmonton, another switched off to California, and several families stopped at the Cowlitz farm. Thirteen families arrived on the 8th of November at Fort Nisqually, where they remained during the winter.

Complaints were made by the colonists that the company failed to comply with their contract. But one or two remained at Nisqually Plains; two or three families only stopped at the Cowlitz. This was the only attempt made by the Puget Sound Agricultural Company to make settlements in the territory north and west of the Columbia river. The scheme to establish agricultural colonies upon Puget Sound from Red river proved a failure.

Chapter XXIX.

(1842.)

Appointment of Dr. White as Sub Indian Agent — Frémont's First Expedition to the South Pass — Immigration of 1842 — Efforts Renewed to Form a Provisional Government — White's Importance as a Public Functionary — Citizens of Tualitan Plains Combine to Protect Themselves Against Evil-doers — White's Administration of Indian Affairs in the Interior — His Reports to the War Department.

IN THE latter part of January, 1842, the War Department, which at that period embraced the Indian Bureau, appointed Dr. Elijah White, discharged physician of the Oregon Methodist Mission, sub-agent for the Indian tribes west of the Rocky Mountains, with a compensation of seven hundred and fifty dollars per annum. He was to report information: as to territory,—its resources, general features, soil, climate and adaptability for settlement; the number and condition of the population; statistics as to Indian tribes west of the Rocky Mountains; their attitude towards the American settlers, and the influence exerted by the presence of the Hudson's Bay Company.

This appointment was without political significance, yet, in connection with the first Frémont expedition which immediately followed, may be considered as indicating that the Executive Department of the nation was awakening to an interest in the internal affairs of the territory.

In the spring, the War Department instructed Lieutenant John C. Frémont, United States Topographical Engineers, "to explore and report upon the country between the frontiers of Missouri and the South Pass in the Rocky Mountains, and on the line of the Kansas and Great Platte rivers."

Wilson P. Hunt, in command of Astor's overland expedition, had (in November, 1812), discovered the South Pass. That region had been annually traversed by hunters and trappers; that pass had been crossed by pack animals, by carts, by wagons; nay, more, the missionary women on horseback had successfully crossed the continent. If it were essential to the recognition that a practicable wagon road could cross those plains and mountains, that the shores of the Pacific could be reached overland by emigrants from the frontier States, that an United States army officer should be guided by a trapper over the beaten track, which year after year had been pursued by uncultured Rocky Mountain men, and so recently by women, such had now been supplied by the first Frémont reconnaisance. Frémont had gone over the route. He had seen it and had returned to Washington and made a scientific report. He left St. Louis May 22d, ascended the Missouri river 400 miles, traveled westward, reaching the South Pass August 8th, and by the 20th of October had returned to Washington. The government had become possessed of an official report, which could not more than verify the oft-repeated accounts of experienced hunters and trappers, and the published statements of Wilson P. Hunt, the Sublette brothers, and Ashley, Pilcher, Bonneville and Rev. Samuel Parker.

About the 17th of March, Dr. White, accompanied by Medorem Crawford and Nathaniel Crocker of New York, and the two McKay brothers, Alexander and John, natives of Oregon, started from their respective homes in New York for Independence, Missouri, which they reached on the first of May. Several families and single men *en route* for Oregon were encamped twenty miles to the southwest at Elm Grove. The number of emigrants increased until the 16th, upon which day a meeting was held to organize a company. It was resolved "That every male over the age of eighteen years shall be provided with one mule or horse or wagon conveyance; he shall have one gun, three pounds of powder, twelve pounds of lead, one thousand caps or suitable flints, fifty pounds of flour or meal, and thirty pounds of bacon, and a suitable proportion of provisions for women and children; and if any present be not so provided, he shall be rejected."

Dr. White read his appointment as sub-agent and was elected captain for one month. Columbia Lancaster, L. W. Hastings and A. L. Lovejoy were constituted a "scientific corps to keep a faithful and true record of everything for the benefit of all those who may hereafter move to Oregon, and that the government may be well informed of the road, its obstructions, means of subsistence, eminences, depressions, distances, bearings, etc."

A blacksmith, wagon-maker, road and bridge builder were selected, each of whom was authorized to employ two assistants, and, when necessary, to call upon the force of the company. The code of laws was to be enforced by reprimand, fines and final exclusion. Profane swearing, obscene conversation and immoral conduct rendered the offender liable to expulsion; a register of the names of every man, woman and child was to be kept by Nathaniel Crocker, Secretary.

James Coats was chosen pilot. These preliminaries all settled, the first emigrant train for Oregon moved westward from Elm Grove. It consisted of one hundred and five persons, fifty of whom were males over the age of eighteen years, eighteen wagons and a large band of horses, mules and cattle.

When five days out, death had stricken down a child of Judge Columbia Lancaster. The bereaved parents continued with the party for several days; after traveling westward 170 miles, the failing health of Mrs. Lancaster compelled the return of the Judge and his family. Dr. White and three of the train escorted them back to the Kansas river, the train being delayed three days for the return of the escort.

Medorem Crawford (1) has graphically described that march across the plains, its methods, its difficulties, its trying scenes, its vicissitudes, its annoyances, its triumphs over obstacles, and its termination at the Willamette valley. That narrative pictures how Oregon acquired its population. Here, too, is a vivid picture of Oregon pioneer life: "On the 5th of October, our little party, tired, ragged and hungry, arrived at the Falls, now Oregon City, where we found the first habitations west of the Cascade Mountains. Here several members of the Methodist Mission were located, and a saw-mill was being erected on the island.

"Our gratification on arriving safely after so long and perilous a journey was shared by these hospitable people, each of whom gave us a hearty welcome and rendered every assistance in their power.

"From the Falls to Vancouver was a trackless wilderness, communication being only by the river in small boats and canoes. Towards Salem no sign of civilization existed

(1) Occasional Address Oregon Pioneers, 1881.



EDWARD ELDRIDGE,

WHATCOM, W. T.

until we reached French Prairie, where a few farms near the river were cultivated by former employés of the Hudson's Bay Company.

"Within the present limits of Yamhill county, the only settlers I can remember were Sidney Smith, Amos Cook, Francis Fletcher, James O'Neil, Joseph McLaughlin, —— Williams, Louis La Bonte and George Gay. There may have been one or two more, but I think not. South of George Gay's on the west and of Salem on the east side of the Willamette river, there were no settlements within the territory.

"There were in the valley some twelve or fifteen Methodist missionaries, most of them having families, under the general superintendence of Rev. Jason Lee. Some were at the Falls, some at Salem, and some at the mission farm ten miles below Salem, opposite the place now known as Wheatland. At these places, especially the Falls and Salem, many improvements were being made, and employment was given at fair wages to all who desired work. Payment was made in lumber and flour from their mills at Salem, cattle and horses from their herds, and orders on the mission stores at the Falls kept by Hon. George Abernethy. There was no money in the country; in fact, I do not remember of seeing a piece of money of any description for more than a year after my arrival. A man's financial condition was based upon his cattle, horses, and credit with the Hudson's Bay Company, or on Abernethy's books. With these he could procure everything that was purchasable in the country.

"All kinds of tools and implements were scarce, and generally of the most primitive character. There were no wagons in the country. Carts of the rudest manufacture were in general use, which among the French were generally ironed with rawhide. Ground was plowed with wooden mold-boards. Grain was threshed in rail-pens by the tramping of horses, cleaned by winnowing in the wind, and transported in canoes and *bateaux* to Fort Vancouver to market. Most of our clothing came from the Hudson's Bay Company, was all of one size, and was said to have been made to fit Dr. McLoughlin, who was a very large man.

"Boots and shoes were more difficult to obtain than any other article of clothing. As for myself, I had no covering for my feet for two years, either summer or winter, but buckskin moccasins; still I never enjoyed better health in my life."

Sub-Agent White reached Fort Vancouver about the 20th of September. Dr. John McLoughlin thus chronicles the arrival: "Dr. White, who had formerly been a member of the Methodist Mission, but disagreed with them and left them in 1840, came with these immigrants. He himself gave out, at a meeting which he called for the purpose, as having been appointed sub Indian agent by the American government for Oregon Territory; but of course the officers of the Hudson's Bay Company did not acknowledge his authority."

Rev. Gustavus Hines (1) says: "The subject of organizing a government was revived in September, 1842; but Dr. White, who was now in the country as sub-agent of Indian affairs, contended that his office was equivalent to that of governor of the colony. Some of the citizens contended that the Doctor's business was to regulate the intercourse between the Indians and the Whites, and not to control the Whites in their intercourse among themselves. Without arriving at anything definite on this point, after hearing the documents brought to the country from Washington, the people scattered away to their homes upon the plains, pleased with what they considered a preliminary step of the United States towards extending jurisdiction over the territory of Oregon. The meeting alluded

(1) Hines' History of Oregon.

to was held at Champoeg September 23, 1842, of which Dr. I. L. Babcock was chairman and George W. Le Breton secretary. Dr. White read his credentials as sub Indian agent, made a speech, and resolutions were adopted to be officially communicated by Dr. White to the government of the United States."

The Doctor remarks: "With the advent of so many new settlers, the people of the colony began seriously to entertain the project of establishing a provisional form of government. Meeting after meeting was held for this purpose, which, from there being so many aspirants to the most important offices, proved abortive."

In his first official report to the Indian Bureau, he states how cordially he was received by Chief Factors McLoughlin and Douglas. To them "his appointment gave pleasure rather than pain, a satisfactory assurance that these worthy gentlemen intend eventually to settle in this country, and prefer American to English jurisdiction." That hospitality had been manifested to every government official visiting their posts; and there is but a single report by an authorized agent of the United States visiting this territory which does not commend the presence of the company as promotive of the well-being of Oregon at that period.

The appointment of a Federal officer, and favorable legislation by Congress for the territory, anticipated from the report of Sub-Agent White in his speech to the Champoeg meeting, engendered a confidence in the American settlers that the government would not much longer defer assertion of territorial rights, and the extension of Federal jurisdiction over the territory.

Late in the fall, the dwelling-house of Rev. A. B. Littlejohn, on the Tualitan plains, had been broken open and stripped of clothing, bedding, provisions and movables. His neighbors, Rev. J. S. Griffin and those old Rocky Mountain men, Robert Newell, George W. Ebberts, Caleb Wilkins, William Doughty and Joseph L. Meek, constituted themselves detectives, with an agreement to assemble at the call of any of their number. Within a few days, an Indian came to William Doughty's house. His inquiries as to who was suspected by the Whites, and his too familiar acquaintance, for an innocent party, with the details of the crime, led Doughty to suspect that his visitor was either the burglar or that he knew all about it. Doughty at once assembled his colleagues. The Indian was put upon trial, and confessed his guilt. That primitive vigilance committee adjudged that he should receive five lashes at the hands of each of his judges, to be well laid on. The prisoner was tied up to an oak-tree, and the sentence duly carried into execution.

The incident was a matter of considerable comment. The maintenance of a permanent organization similar to the modern vigilance committee found many advocates. The subject gradually assumed the shape of a discussion at lyceums and elsewhere of a plan of political organization. All shades of opinion existed. The Canadian-French settlers were averse to organization. The majority of independent American settlers were reconciled to wait, and continue to hope that the United States government was about to extend to the country and its citizens the protection of its institutions and laws.

Shortly after the arrival of Sub-Agent White, reports were current that the Walla Wallas, Cayuses and Nez Perces, closely allied by intermarriage, were about to form a hostile combination against the missionary stations in the interior, and the American settlements in the Willamette.

On the 1st of November, the sub-agent left Willamette, accompanied by Cornelius Rodgers as interpreter, and Thomas McKay, an old Hudson's Bay Company chief trader. At Walla Walla, Chief Trader Archibald McKinlay, then in charge of that post, joined

the party. With McKay and McKinlay, White was as safe from damage among the Oregon Indians as in the White House at Washington. He could not have selected a better escort to secure himself, or to have accomplished any result with the Indians.

Having dispatched messengers from Fort Walla Walla to notify the Cayuses and Walla Wallas to meet his party upon the day named for their return, the party went to Lapwai, which place they reached December 3d. At the council of Nez Perces, a chief and twelve sub-chiefs were elected. Doctor White immortalized himself by introducing a code of laws, which, after the usual talk, was, of course, unanimously ratified by the children of the "Great Father" at Washington. Such had been and ever will be the custom of treating with Indians. That "White" code, consisting of eleven articles intended for the Indians, is worthy to be placed among the most exalted pieces of diplomacy with the Indian tribes, in the official documents of the Indian Bureau. It reads thus:

"ARTICLE 1. Whoever willfully takes life shall be hung.

"ART. 2. Whoever burns a dwelling-house shall be hung.

"ART. 3. Whoever burns an outbuilding shall be imprisoned six months, receive fifty lashes and pay all damages.

"ART. 4. Whoever carelessly burns a house or any property shall pay damages.

"ART. 5. If any one enter a dwelling without permission of the occupant, the chiefs shall punish him as they think proper. Public rooms are excepted.

"ART. 6. If any one steal, he shall pay back twofold; and, if it be the value of a beaver skin or less, he shall receive twenty-five lashes; and, if the value is over a beaver skin, he shall pay back twofold and receive fifty lashes.

"ART. 7. If any one take a horse and ride it without permission, or take any article and use it without liberty, he shall pay for the use of it and receive from twenty to fifty lashes, as the chief shall direct.

"ART. 8. If any one enter a field and injure the crops, or throw down the fence so that cattle or horses go in and do damage, he shall pay all damages and receive twenty-five lashes for every offense.

"ART. 9. Those only may keep dogs who travel, or live among the game; if a dog kill a lamb, calf or any domestic animal, the owner shall pay the damage and kill the dog.

"ART. 10. If any Indian raise a gun or other weapon against a white man, it shall be reported to the chiefs, and they shall punish him. If a white man do the same to an Indian, it shall be reported to Dr. White, and he shall punish or redress it.

"ART. 11. If an Indian break these laws, he shall be punished by his chiefs; if a white man break them, he shall be reported to the agent, and punished at his instance."

In that famous report of the sub Indian agent to the Indian Bureau, chronicling the establishment of law and order among the Indians of the interior, occurs a description of a most remarkable phenomenon:

"Mount St. Helens, one of the snowcapped volcanic mountains some 16,000 feet above the level of the sea, and eighty miles northwest of Vancouver, broke out upon the 20th of November, presenting a scene the most awful and sublime imaginable, scattering smoke and ashes several hundred miles distant; and, in the meantime, immense quantities of melted lava were rolling down its sides, and inundating the plains below."

In just such grandiloquence and Gulliverian hyperbole does Dr. Elijah White, Sub Indian Agent of the tribes west of the Rocky Mountains, amplify the distance traveled, and the dangers he incurred in that winter negotiation to give the benighted Nez Perces a code of laws. With like draft upon the imagination does he multiply the number of savages his presence and opportune arrival rendered submissive to law and his authority.

Chapter XXX.

(1843.)

Agitation of the Question of Formation of Government — The "Wolf Meeting" — Committee of Twelve to Report a Plan for Protection of the Settlement — The Formation of a Government and Election of Officers — First Legislative Committee — Its Report of an Organic Law — Division of the Territory into Districts — The People Approve the Organic Law — Boundaries of Territory.

DESPITE the failure of the experiment of '41, American settlers had not abandoned governmental organization. During 1842, they had invited the Canadians to unite with them in organizing a *temporary* government south of the Columbia river. British subjects, apprehensive that it might interfere with their allegiance, remained passive.

The experiment of '41 had originated with the Methodist Mission, or rather with its most prominent members. The *idea* was still so fostered by its leading members as to cause it to be regarded as a missionary movement. The agitation had more or less continued at Willamette Falls, now Oregon City. The lyceum selected questions for debate bearing upon political organization of the territory. The prominent citizens participated in the discussions. A resolution favoring provisional government had been zealously debated; and, by a large majority, such proposition had been pronounced inexpedient.

Among the leading citizens, some favored a government independent of both Great Britain and the United States,—a sort of Pacific Republic. Lansford W. Hastings, of the emigration of 1842 (afterwards distinguished as a judge in California), offered the resolution: "That it is *expedient* for the settlers upon the Pacific coast to establish an independent government." George Abernethy, Oregon's first governor, championed the opposite side. Warmly was the theme discussed, earnestly combated; but, by a large majority, that resolution was adopted. To check this incipient disregard for the Union, and national integrity, Abernethy introduced for the next debate:

"*Resolved*, that, if the United States extends its jurisdiction over this country within the next four years, it will not be expedient to form an independent government."

The discussion and decision were more patriotic, and a healthier American feeling appeared. This resolution, which breathed the sentiment, "Wait a little longer," passed by a large majority, and was really the index of the feeling of the American population. Those pioneers wanted no Pacific republic; and there and then was an end put to what has since been called by one of those early patriots, "the secession movement of Oregon." Happily it had embraced but very few; and the reign of disaffection was short-lived.

With the immigrants of '42, the Americans had become the majority of the white population of the Willamette valley. It was but natural that the Canadians should not desire to co-operate in a movement, the object of which necessitated their submission to law imposed by citizens of a rival nation, at a time when their own country and that rival



MRS. SARAH ZACHARY,
CORNELIUS, OR



SOLOMON EMERICK,
CORNELIUS, OR



MRS. S. EMERICK,
CORNELIUS, OR.

were actually contending for title to the soil, the success of that contest depending materially upon the *nationality* of the actual settlers. Nor can those American settlers be criticised for an opinion leading them to hesitate to join in hurrying into existence a government designed to occupy only a portion of the territory, and in that portion to include only such residents or settlers who *voluntarily* accepted its authority. Such was the mixed condition of affairs, the mixed allegiance of the settlers, the mixed opinions as to what was needed, and how the proper plan was to be consummated.

An avowed attempt to *form a government* would have arrayed the Canadian-French in opposition,—would have confirmed the doubting or conservative Americans into opponents. Those who opposed the movement because premature would have become its enemies if pressed to immediate action. Hence, the expedient was resorted to of bringing together all classes, and uniting them in a movement in which all felt a common interest. It was hoped thus to pave the way for continuing mutual acts for the common benefit, possibly from time to time amplifying the duties of such co-operative association.

A notice was issued for a meeting on February 2, 1843, at the Oregon Institute, to consider the propriety of adopting measures for the protection of herds, and for the destruction of animals which preyed upon cattle, stock, etc. The ulterior purpose was a combination of settlers,—a co-operative association to concert measures for the formation of some kind of civil government. Dr. I. L. Babcock presided. William H. Wilson was chosen secretary. A committee consisting of William H. Gray, Alanson Beers, Joseph Gervais, William H. Wilson, G. W. Bellamy and Étienne Lucier were appointed to make arrangements for a general meeting, and to report business to such meeting. This done, the "Wolf Meeting," as it is known in history, adjourned to meet at the house of Joseph Gervais, on the first Monday in March.

On the 4th of March, the citizens of the Willamette held a general meeting at the house of Joseph Gervais. James A. O'Neil (of Captain Wyeth's party of 1834) was called to the chair. George W. Le Breton was elected secretary. The committee reported a series of resolutions: 1. Declaring defensive and destructive war against wolves, bears and panthers, and such other animals as are known to be destructive to cattle, horses, sheep and hogs; 2. Designating predatory animals, and fixing a scale of bounties for their killing; 3. Bounties to be raised by subscriptions of settlers, to be paid to a treasurer. A treasurer having been elected, the "Wolf Association" had been organized. But the meeting did not adjourn. It then and there passed a resolution for the appointment of a committee of twelve, "to take into consideration the propriety of taking measures for the civil and military protection of this colony." The organization committee of twelve consisted of Dr. I. L. Babcock, Dr. Elijah White, James A. O'Neil, Robert Shortess, Robert Newell, Étienne Lucier, Joseph Gervais, Thomas J. Hubbard, Charles McRoy, William H. Gray, Sidney Smith and George Gay.

That the outcome of that meeting to form a "Wolf Association" would prove to be either the submission of a plan of government, or a proposition to initiate the preliminary steps to organize, had been public expectation. The Canadian-French had prepared to enter a solemn protest, drafted by Rev. F. N. Blanchet, subsequently Roman Catholic Archbishop of Oregon. The Canadian remonstrance was not read at that meeting. It was handed to the secretary; but as no plan of government was submitted, and the matter to which it referred was delayed until the committee of twelve should report, it was laid on the table.

The committee of twelve designated May 2, 1843, at Champoeg, as the time and place "to consider the propriety of taking measures for the civil and military protection of the colony." On that day, at that place, in an open field, the pioneers of Oregon came together to perform that duty. Dr. I. L. Babcock presided. Messrs. Gray, Wilson and Le Breton were secretaries. The committee reported a plan of organization, which, being submitted to the assembly, the motion to accept was about to be declared lost. Confusion and excitement succeeded, amid which George W. Le Breton demanded a division. He was promptly seconded by William H. Gray. Colonel Joe Meek, with that *dash* which ever characterized him, realizing the situation, came forward and, assuming the lead, called out, "all in favor of the report follow me." The effect was magnetic. Meek's column marched to the *right*, while the opponents of organization filed to the *left*. The vote was close; but the report had been accepted,—fifty-two to fifty. The dissenters in a body withdrew, leaving the government party without further opposition.

The report was considered and adopted article by article, after which followed the filling of the offices which had been created. The plan necessitated a Supreme Judge with probate powers, a clerk of court or recorder, a sheriff, three magistrates, three constables, a treasurer, a major and three captains, and, finally, "a committee of nine persons to draft a code of laws, to be presented for approval to a public meeting to be held at Champoeg on the 5th day of July next."

A. E. Wilson was elected Supreme Judge, George W. Le Breton Clerk, and Joseph L. Meek Sheriff. The first legislative committee consisted of Robert Shortess, David Hill, Alanson Beers, William H. Gray, Thomas J. Hubbard, James A. O'Neil, Robert Moore, Robert Newell and William Doughty.

Several instructions of the Legislative Committee were passed: "That the sessions of the said Legislative Committee should not exceed six days; that no tax should be levied; that the office of governor should not be created; that the compensation of the Legislative Committee should be $1.25 per day; that the revenues of the territory should be contributed by voluntary subscriptions."

The meeting elected four magistrates, four constables, a major and three captains. It reorganized the officers elected at the primary meeting of the people of Oregon, validated the official acts of such officers, and continued them in office till July 5, 1843, at which time the officers-elect were to be installed.

The Legislative Committee gave evidence of earnestness and zeal, each member contributing a sum equal to the full amount of his services. Alanson Beers and Dr. Babcock each subscribed an amount equal to the aggregate pay of the committee. The Methodist Mission fitted up the building known as "the Granary," and allowed its use free of charge. The first legislative hall of Oregon was a story and a half frame, sixteen by thirty feet, with a square room in front, which had been used as a school, then as a church, and now as a capitol. Back of this hall and above stairs, it was used as a granary or storeroom; and hence the name of the building.

The first Legislative Assembly of Oregon commenced its session May 16th, sitting four days, adjourned to June 27th, and finished its labors upon that and the succeeding day. Robert Moore was Chairman, and George W. Le Breton, Secretary. From this committee emanated an organic law and articles of compact, which were ratified July 5, 1843, by the people of Oregon in mass meeting assembled at Champoeg. The preamble was as follows:

"We, the people of Oregon Territory, for purposes of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations, until such time as the United States of America extend their jurisdiction over us."

The first section of the organic law is prefaced by a provision for the division of the territory into districts, viz.: "For the purposes of temporary government, the territory shall be divided into not less than three nor more than five districts, subject to be extended to a greater number when an increase of population shall require." In accordance with such provision, the Legislative Committee reported a law recommending the establishment of districts, as follows:

"First District, to be called the TUALATIN DISTRICT, comprising all the country south of the northern boundary line of the United States west of the Willamette or Multnomah river, north of the Yamhill river, and east of the Pacific Ocean.

"Second District, to be called the YAMHILL DISTRICT, embracing all the country west of the Willamette or Multnomah river, and a supposed line running north and south from said river, south of the Yamhill river, to the parallel of forty-two degrees north latitude, or the boundary line of the United States and California, and east of the Pacific Ocean.

"Third District, to be called the CLACKAMAS DISTRICT, comprehending all territory not included in the other three districts.

"Fourth District, to be called the CHAMPOEG DISTRICT, and bounded on the north by a supposed line drawn from the mouth of the Haunchauke river, running due east to the Rocky Mountains, west by the Willamette or Multnomah river, and a supposed line running due south from said river to the parallel of forty-two degrees north latitude, south by the boundary line of the United States and California, and east by the summit of the Rocky Mountains.

"The above districts to be designated by the name of 'Oregon Territory.'"

The remainder of Section I contains a number of articles, constituting "the Articles of Compact among the free citizens of this territory, enunciating the principles of civil and religious liberty which constitute the *basis* of all laws and constitutions of government."

"No person demeaning himself in a peaceable or orderly manner shall ever be molested on account of his mode of worship or religious sentiments. The inhabitants shall always be entitled to the writ of *habeas corpus* and trial by jury, of a proportionate representation in the legislature, and of judicial proceedings according to the course of common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident, or the presumption great.

"Fines shall be moderate. Cruel and unusual punishments shall be prohibited. No man shall be deprived of liberty without due process of law. Property taken through public exigencies shall be compensated. No law should interfere with or affect private contracts or engagements, *bona fide* and without fraud. It is the duty of government to encourage religion, morality and knowledge, by aiding in the support of schools. The utmost good faith shall always be observed towards the Indians. Their lands and property shall never be taken from them without their consent. Their property, rights and liberty shall never be invaded nor disturbed, unless in just and lawful war authorized by the representatives of the people. Laws formed in justice and humanity shall from time to time be made for preventing injustice being done to them, and for preserving peace and friendship with them.

"There shall be neither slavery nor involuntary servitude in said territory, otherwise than for the punishment of crimes whereof the party shall have been duly convicted."

Section II provided as follows: The officers elected were continued in office till the annual election in May, 1844. The qualifications of electors were thus defined: "Every free white male descendant of a white man, over twenty-one years of age, who was an inhabitant at the time of the organization of the government, and all emigrants of such description after six months' residence."

Executive power was vested in an executive committee of three, to be elected at the annual election, with authority to pardon and reprieve, to call out the military force of the territory, to see that the laws are faithfully executed, and to recommend laws to the Legislative Committee. Two of their number constituted a quorum.

Legislative power was vested in a committee of nine, apportioned to the districts in ratio of population, excluding Indians; the members to reside in the districts from which chosen, and to be elected at each annual election.

Judicial power was vested in a Supreme Court, consisting of a Supreme Judge and two Justices of the Peace; a Probate Court and Justice's Court; and the jurisdiction of said courts, both appellate and original, was defined and limited.

"The Legislative Committee recommend that a subscription paper be put in circulation to collect funds for defraying the expenses of the government, as follows: 'We, the subscribers, hereby pledge ourselves to pay annually to the treasurer of Oregon Territory the sum affixed to our respective names, for defraying the expenses of government: *Provided*, that in all cases each individual subscriber may, at any time, withdraw his name from said subscription upon paying up all arrearages and notifying the treasurer of the colony of such desire to withdraw.'"

The Legislative Committee also recommended the passage of a militia law, and a law relating to land claims. The latter prescribed the manner of taking claims, and the requirements to be complied with to secure title: "No individual shall be allowed to hold a claim of more than one square mile, or 640 acres in a square or oblong form, according to the natural situation of the premises; nor shall any individual be able to hold more than one claim at the same time. Any person complying with the provisions of these ordinances shall be entitled to the same process as in other cases provided by law. No person shall be entitled to hold such a claim upon city or town lots, extensive water privileges, or other situations necessary for the transaction of mercantile or manufacturing operations: *Provided*, that nothing in these laws shall be so construed as to affect any claim of any mission of a religious character made prior to this time, of extent not more than six miles square."

A unique method of securing a complete code of laws is presented in the proceedings of the Legislative Committee. By a single, simple resolution, naming the edition of a certain publication, the work was effected: "*Resolved*, that the laws of Iowa, as laid down in the 'Statute Laws of the Territory of Iowa, enacted at the first session of the Legislative Assembly of said territory, held at Burlington, A. D. 1838–9, published by authority in Dubuque, Russell & Reeves, printers, 1839,' certified to be a 'correct copy' by William B. Conway, Secretary of Iowa Territory, be adopted as the laws of this territory."

These laws, this Organic Law, these Articles of Compact, were submitted to a meeting of citizens at Champoeg, July 5, 1843. The meeting was called to order by George W. Le Breton, Secretary or Recorder of the committee. Dr. Babcock, the former president, not being present at the commencement of the meeting, Rev. Gustavus Hines was called to the chair. The report of the Legislative Committee met with little opposition, except the article which provided for an executive committee. Among the instructions to



THOMAS MERCER,

SEATTLE, W.T.

the Legislative Committee, none were so decisively passed as the one against creating the office of governor. Mr. Hines denounced the action of the committee in disregarding the spirit of that instruction, and characterized the proposed *triple* executive as a hydra-headed monster, a repetition of the Roman triumvirate. Dr. Babcock, who had favored *temporary* organization, contended that this clothing the executive with such powers tended to permanent establishment, which was an ignoring of their true purposes as well as instructions. Gray, O'Neil and Shortess defended the action of the committee, admitted that the instructions had not been strictly followed, but claimed that in the plan recommended they had avoided making the office of governor, and had supplied a council or senate to act, combining it with executive power. There were but few votes in the negative on this article. The report, substantially as made by the chairman (Hon. Robert Moore), was adopted with much unanimity.

David Hill, Alanson Beers and Joseph Gale were elected members of the Executive Committee. They, and the officers of the Provisional government of Oregon, that day took the oath of office, and entered upon the discharge of their duties as prescribed in the compact.

The Provisional government, republican in its form and essence, had been established. The American element had struggled hard to inaugurate it, and had at last triumphed. After its establishment, all classes contributed to the expense of carrying it on, and yielded a support which insured its success. Its inauguration marks the transition of Oregon to republican rule, to the submission to the will of the majority, to final Americanization. It is the monument of the wisdom of the Oregon pioneers, the proof of their sagacity. It was the only means to neutralize an influence against which it could not have successfully contended, which, while it was paramount, retarded progress and defeated American enterprise.

What was the *territory* intended to have been comprised within the jurisdiction of the Oregon Provisional government, as established in 1843? In the creation of districts or counties, care is manifested to adopt language and designate as a north boundary of the northern districts the phrase, "Northern boundary of the United States." As they also use the qualified language, "west of the Willamette river," it is clear that the government recognized the then existing idea that the Columbia river might probably be the boundary line between the United States and Great Britain. The Oregon Territory, under the Provisional government of 1843, was bounded north by the Columbia river. Under its administration, and before the *reconstruction* in 1845, no district was organized, no officer appointed, no land claim recorded in that vast portion of Oregon north of the Columbia river.

CHAPTER XXXI.

(1843.)

Sad Accident Near Willamette Falls—Departure of Immigrants of '42 for California—The "Petition of 1843," Its Authorship and Contents—Dr. John McLoughlin's Answer to Its Charges—Cattle Policy of the Hudson's Bay Company—Dr. McLoughlin's Statement as to Formation of California Cattle Company—Rev. Daniel Lee's Statement as to Said Company—Oregon City Claim—Rev. George Gary, Superintendent of Oregon Methodist Mission, Sells Its Property to Dr. McLoughlin—Section Eleven of Donation Law of September 27, 1850—The Immigration of 1843—The Cattle Contract—Frémont's Second Expedition.

MEDOREM CRAWFORD, in the "occasional" address at the Pioneer's Reunion of 1881, thus chronicled the casualties and causes of discouragement which ushered in Oregon's spring of 1843. Early in February, an event happened which cast a gloom over the Willamette settlement: "Dr. White and Nathaniel Crocker of our company, W. W. Raymond of the Methodist Mission, Cornelius Rodgers, a teacher, with his wife and her young sister, daughters of Rev. David Leslie, were on their way to the falls in a large Chinook canoe manned by four Indians. Arriving at the rapids above the falls, where the breakwater and basin are now located, they attached a line to the canoe, as was the custom; and Mr. Raymond and two Indians walked along the rocks to hold it while approaching a landing place just above the falls, where the saw-mill now stands, across the channel. As the canoe came alongside a log, Dr. White stepped out, and instantly a strong current caught the stern, and, snatching the line from those on the bank, carried the canoe like a flash over the falls, only a few rods distant. The canoe was dashed into a thousand fragments, and, with its living freight, swallowed up in the whirlpool below. This was indeed a fearful blow to our little colony. And, as the sad tidings were carried through the settlement, all business was suspended and general grief and sadness pervaded.

"A number of our company, probably one-third, dissatisfied with the winter, acting on their migratory instincts, determined to go to California. It was said of some that they never remained in one place longer than to obtain the means to travel; and of one family in particular, that they had practically lived in the wagon for more than twenty years, only remaining in one locality long enough to make a crop, which they had done in every state and territory in the Mississippi valley. Accordingly, under the lead of L. W. Hastings, they set out as soon as the weather would permit, and, after encountering some difficulty with Indians, reached the Sacramento valley. Those who remained generally located claims in the Willamette valley, which were recognized and respected without other protection than public opinion until the Provisional government was established."

In March, a petition to Congress was circulated, and was signed by many influential members of the Oregon Methodist Mission, and American settlers. Equally prominent

missionaries and settlers refused to sign. The "Petition" was really an appeal to the United States government to adopt measures against the continuance of the Hudson's Bay Company in the territory. It was a bitter manifesto against that company, its presence in the territory, its policy of trade and manner of occupancy. It inveighed against Dr. John McLoughlin and his associate officers for "opposition to the improvement and enterprise of American citizens." Its circulators and signers denounced those who refused to sign as anti-American. Those charges and counter-charges, sympathies or prejudices, constituted the politics of that period. The petition was dated March 25th. Robert Shortess' name headed the list of sixty-five signers. He was long accredited as its draftsman. On the 1st of September, 1867, he made the following statement (1): "The authorship of that famed petition being claimed by Governor Abernethy, I will state the part he had in getting it up. I, without consulting any one, determined on an application to Congress, and drew up a summary of the subjects I intended to embrace, and showed it to one or two persons. It was decided to request Mr. Abernethy to write it in proper form, which he did, but refused to sign or allow it to be circulated in his handwriting, fearing it might injure the mission. I had it copied by A. E. Wilson. It was circulated and, through his assistance, sent to Washington. As Governor Abernethy would feel himself unjustly treated if the authorship of the petition were ascribed to me, I will state that he wrote it at my request and from my notes, but refused to sign or have it circulated in his handwriting" (2).

The petition recites: "Laws are made to protect the weak against the mighty; and we feel the necessity of them in the steps that are constantly taken by the honorable Hudson's Bay Company, in their opposition to the improvement and enterprise of American citizens. You have been apprised already of their opposition to Captain Wyeth, Bonneville and others; and we find that the same spirit dwells with them at the present day. Some years ago, when the Hudson's Bay Company owned all the cattle in Oregon, they would not sell on any conditions; but they would lend their cows to the settler, he returning to the company the cows loaned, with all the increase. And, in case of the death of a cow, he then had the privilege of paying for it. But after settlers, at a great risk and expense, went to California and purchased for themselves, and there was a fair prospect of the settlement being supplied, then the Hudson's Bay Company were willing to sell, and at lower rates than settlers could sell.

"In 1841, feeling the necessity of having mills erected, that would supply the settlement with flour and lumber, a number of the inhabitants formed themselves into a joint-stock company, for the purpose of supplying the growing wants of the community. Many farmers were obliged to leave their farms on the Willamette, and go six miles above Vancouver, on the Columbia river, making the whole distance about sixty miles, to get their wheat ground, and at a great loss of time and expense. The company was formed, and proceeded to select a site. They selected an island at the Falls of the Willamette, and concluded to commence their operations. After commencing, they were informed by Dr. McLoughlin, who is at the head of the Hudson's Bay Company's affairs west of the Rocky Mountains, that the land was his, and that he, although a chief factor of the Hudson's Bay Company, claims all the land at the east of the Willamette, embracing the Falls, down to the Clackamas river, a distance of about two miles.

"He had no idea, we presume, that the company would succeed. However, he erected a shed on the island, after stuff was on the island to build a house, and then gave

(1) Autograph letter to author.
(2) The "Petition" will be found in the documents of the twenty-eighth Congress, first session.

them permission to build under certain restrictions. They took the paper he wrote them, containing his conditions, but did not obligate themselves to comply with the conditions, as they did not think his claim just or reasonable. Many projects had been started by inhabitants, but, for want of means and encouragement, failed. This was predicted for the milling company. But, after much labor and difficulty, they succeeded in getting a saw-mill erected and ready to run, and entered into a contract to have a grist-mill erected forthwith. And now, as they have succeeded, where is the Hudson's Bay Company? Dr. McLoughlin employs hands to get out a frame, and erects it at Willamette Falls; and we find, as soon as the frame is up, the gearing, which has been made at Vancouver, brought up in boats, that that which caused a feeble company of American citizens months of toil and embarrassment is accomplished by the chief factor of the Hudson's Bay Company in a few weeks.

"He has men and means, and, it is said by him, that in *two weeks* his mill will be sawing. And what will be the consequence? Why, if the milling company sell for fifteen dollars per thousand, he can sell for twelve; if they reduce the price to ten, he can come to eight, or five, or two dollars per thousand. He says he will have a grist-mill in operation. All the wheat in Oregon they are anxious to get, as they ship it to Russians on the northwest coast. In the first place, they measure wheat in a half bushel, called by them 'imperial measure,' much larger than standard measure of the United States. This not answering, they next proceed to kick the half bushel with their foot to settle the wheat. Then they brought up a measure larger than the former; and now they fill this measure, then strike it three times with a stout club, and then fill it up and call it fair measure.

"Against such proceedings we need law which will be respected and obeyed. About twelve or fourteen years ago, the Hudson's Bay Company blasted a canal a few feet, to conduct water to a mill they were going to build, timber for which is now lying at the Falls, rotting. They, however, abandoned the thing altogether, and built their mills on the Columbia, about six miles above Fort Vancouver, on the north side of the river.

"In the year 1838, agreeably to orders left by Mr. Slacum, a house was erected at the Falls to secure the claim for him. In 1840, the Methodist Mission erected buildings and stationed two families there, and made a claim to sufficient land for their buildings, not interfering with any others who might wish to build. A short time previous to this, Dr. McLoughlin had a storehouse erected for the company, not occupied, however, further than to store wheat and other articles, and as a trading-house during the salmon season. After this, in 1841, a shanty was erected, and a man kept at the Falls, whose business it was to trade with the Indians for furs and salmon, and look out for the Doctor's claim, he said, and to forbid persons building at the Falls, as some had built, and others were about building. This man was, and still is, a servant of the Hudson's Bay Company.

"During 1841 and 1842, several families settled at the Falls, when Dr. McLoughlin, who still resides at Fort Vancouver, comes on the ground, and says the land is his, and every person building without his permission is held as a trespasser.

"Without reference to any person's right or claim, he employs a surveyor to run out the plat; and as a bill was before the Senate of the United States to grant every white male inhabitant a mile square, he has a mile run out to suit his views, and lays out a town plat at the Falls, and calls it 'Oregon City.'

"Although some, for peace sake, asked him for lots they already had in possession, and which he appeared very willing to grant, the Doctor now felt himself secure, and posted up the annexed paper:



A. H. REYNOLDS,
WALLA WALLA, W.T.

"'Notice is hereby given to all whom it may concern, that those who have obtained grants of lots in Oregon City will be expected to call on L. W. Hastings, my authorized agent at Oregon City, and obtain bond for deed or deeds, as the case may be. Those who hold claims to any lot, and who comply with above requisite on or before the first day of February next, will be entitled to their lot or lots; otherwise, lots upon which they hold claims will thereafter be subject to any disposition which the undersigned may think proper to make of them. "'JOHN MCLOUGHLIN.'

"All who had lots were required to pay Mr. Hastings five dollars for a deed of land which they knew very well the grantor did not own, and which we hope he never will own, but that Congress will pass a special act, granting each man his lot and improvements. To those who applied and paid their five dollars, all was right with the Doctor; while those who considered his title to the land not good, and that therefore he had no right to direct who should build and who should not, had their lots sold to others. In one case, the purchaser came to the original claimant and ordered him to stop digging the ground which he was preparing for a garden, and commanded him to remove his fences, as he had Dr. McLoughlin's bond in his pocket for the lots; and if he did not move the fence, he would, and did, take forcible possession. Those who desired to have no difficulty, and did not apply for a deed, have lost their lots, the Doctor's promise and all. And Mr. Hastings, the Doctor's agent, is now offering for sale lots on which a part of the mission buildings stand; and if he succeeds in finding a purchaser, they must either contend or lose their buildings, too.

"Dr. McLoughlin has held claims in other places south of the Columbia river. At Tualatin Plains and at Clackamas Plains, he has huts erected to prevent others from building. And such is the power of Dr. McLoughlin, that many persons are actually afraid to make their situations known, thinking if he hears of it he will stop their supplies. Letters were received here from Messrs. Ladd & Co., of the Sandwich Islands, in answer to a letter written by the late Ewing Young, for a few supplies, that orders were received forbidding the company's vessels carrying any goods for the settlers of Oregon. Every means will be made use of by them to break down everything that will draw trade to this country, or enable persons to get goods at any other place than their store.

"One other item and we are done. When United States government officers of distinction arrive, Fort Vancouver is thrown open and every facility afforded them. They were even more condescending to settlers during the time the exploring squadron was in the Columbia. Nothing was left undone to give the officers a high opinion of the Hudson's Bay Company."

Dr. John McLoughlin was, and since the combination of the Hudson's Bay and North West Companies had been, in charge of the Hudson's Bay Company's affairs west of the Rocky Mountains. The policy denounced in the petition had been established by him. It details a series of acts, dishonest, sordid and selfish upon his part,—mean, oppressive and ruinous to the settlers. That early friend of Oregon, that eminent benefactor of his race, has long since been called to his reward. Those whom Robert Shortess names as connected with the authorship of the petition are no more. Happy is the duty in giving publicity to the manly and generous views of the conceiver of that "Petition." In a letter to the author, quoted above, Mr. Shortess says:

"In a short time the entire policy of the company, or at least of Dr. McLoughlin, underwent a change; and he, the Doctor, afforded very great facilities to immigrants and

settlers, for which, in many cases, he received an ungrateful return. He was a man of excellent qualities of head and heart; and few men wielding the power that he did would have done it with greater leniency."

That document was an arraignment of John McLoughlin for his management of the Hudson's Bay Company's affairs, an accusation of oppression and wrong to the Oregon pioneers and their families: 1. It charges that Dr. McLoughlin refused to sell cattle for many years, and afterwards sold at lower rates than settlers; 2. It refers to the Oregon City claim. It was valuable as a townsite, and for its wonderful water power. Such features made it valuable to the Methodist Mission, to the American settler. The petition denounces the Doctor's acts of settlement as in bad faith; that his claim is without shadow of right. It asks that he may be divested of interest, his claims be ignored and disregarded; 3. It complains that he can build mills and saw lumber cheaper, and does undersell the settler; 4. It alleges that in buying wheat he insisted upon good measure; 5. That those who had recognized his claim to Oregon City, and had obtained grants of lots from him, he notified to comply with their contract; 6. That the company's vessels were not allowed to bring goods from the Sandwich Islands to settlers; 7. That the company's officers were more hospitable to visiting officials and persons of distinction than to private citizens.

Simple justice to the memory of the dead demands quoting Dr. McLoughlin's own comments upon those imputations upon his personal integrity and method of dealing. Of the cattle policy and the Oregon City claim, more extended discussion cannot be avoided. As soon as Dr. McLoughlin had been informed of the charges made in the petition, he thus referred to them (1):

"First, as to my opposing them in purchasing cattle, it is false. Mr. Lee knows how false this is. Every one knows, who was then in the country, that so anxious was I to replenish the country with cattle, that I killed none till 1838, and would sell none, because, as I told them, they would kill them, and not allow them to increase. But I lent cattle to every man who wanted to settle, for which, when they had them, I took wild cattle from California, and of which fully one-half died a short time after we got them. As to kicking or striking the half bushel, it is the custom in that part of Canada where I have been. The measure is the imperial measure, and which ought to contain seventy pounds of good wheat. Talking some time ago with Dr. White, in case the cooper might have made a mistake, I had a half bushel measured by an imperial copper half-pint measure (sent here for the purpose), in the presence of Dr. White, and, though it was exactly the measure with water, yet I find, filled with wheat, it does not weigh seventy pounds; and as our wheat is as good as any I know, I infer that the measure is smaller than it ought to be, which is caused by the copper measure having been knocked a little on the side, and is, therefore, smaller than size. The truth is, when I was first asked the price of wheat, I said two shillings and sixpence, as I calculated a bushel to weigh sixty pounds; but finding, on measuring it, that it weighed seventy-two pounds, I told them, without their asking it, I would give three shillings per bushel.

"I thought that my character as an honest man was beyond suspicion; when I find who those are who have cast these reflections on me, I shall have no dealings with them, as I will not deal with people who suspect my integrity. As to reports, if they sold their boards for twenty dollars per thousand, I would sell them for fifteen dollars per thousand, and undersell them, it is false; and, as to the Hudson's Bay Company and I opposing

1) Letter to Lansford W. Hastings, Esq., April 10, 1843.

the interests of citizens, really, the citizens are themselves the best judges if we did so or not. And I am certain, if they are so lost to a sense of what is due to truth as to make such an assertion, it is useless for me to say anything; but I feel confident that I can easily prove it is not so, and that a very large majority will support me in it. As to the petition, if the document went no further than this place, I would be silent; but when I consider where it is to go, and to whom it is to be presented, respect to them and to myself makes it my duty to take notice of it."

Persistent refusal by Dr. McLoughlin to sell cattle to the Oregon Methodist Mission and to settlers had caused great disaffection to the company. Dr. McLoughlin thus referred to the course adopted by him, and rigidly adhered to it until 1838:

"I lent them each two cows, as in 1825. We had only twenty-seven head, big and small, old and young. If I sold, they would of course be entitled to the increase, and I would not have the means to assist new settlers; and the settlement would be retarded, as those purchasers who offered me two hundred dollars for a cow would put such a price on the increase as would put it out of the power of poor settlers to buy. This would prevent industrious men from settling. For these reasons I would not sell, but loaned two cows to each settler; and, in case the increase of settlers might be greater than we could afford to supply with cattle, I reserved the right to take any cattle (above his two cows) from any settler to assist new settlers. To the Methodist Mission, as it was a public institution, I lent seven oxen, one bull and eight cows, with their calves."

The reason offered by Dr. McLoughlin was that there was insufficient stock in the country; that importation was most expensive and hazardous; and that all that there was in the country should be preserved to secure increase, was unavailing. To the settler it was not satisfactory to be told that the company's start had been a few head driven at vast expense and danger along the coast from the Russian establishments on Bodega Bay, in California; that those establishments most begrudgingly spared them, their California settlements being only intended to supply northern trading-posts; that the colonial law of California prohibited the exportation of female cattle. The scarcity of cattle, the dissatisfaction of settlers because of this refusal to sell, continued until the importation of stock by the California company. Referring to that enterprise, Dr. McLoughlin said:

"In the winter of 1836–7, we found means of forming a company to go to California for cattle. I took half of the stock for the Hudson's Bay Company, so that, by purchasing a larger number (as the expense of driving five hundred or a thousand was the same), it would make the cattle cheaper. Those of the settlers who had means put it in stock; those who had none engaged as drivers at one dollar per day, to be paid in cattle at their actual cost. Mr. Slacum, who came here in a chartered vessel, gave them passage *gratis* to San Francisco. Ewing Young was selected to conduct the party. P. L. Edwards, of the Methodist Mission, was appointed treasurer. They brought, I think, about seven hundred head of cattle, which cost about eight dollars per head rendered in the Willamette. The settlers kept the tame and broken oxen belonging to the Hudson's Bay Company, and gave their California wild cattle in their place; so that they found themselves stocked with tame cattle, which cost about eight dollars per head. The Hudson's Bay Company, to favor settlers, took calves in place of grown-up cattle, because the Hudson's Bay Company wanted them for beef, and these calves would grow up before they were required."

Rev. Daniel Lee, nephew and associate of Rev. Jason Lee, in "Ten years in Oregon," thus refers to the formation of the California Cattle Company: "At this period (winter of 1836), the cattle in the country nearly all belonged to the Hudson's Bay Company;

and, as it was then policy not to sell any, it became necessary for some measures to be adopted to obtain elsewhere what could not be bought of the company. In order to effect this, an expedition was in contemplation when Mr. Slacum (1) arrived.

"On Mr. Slacum being advised of the proposed expedition to California for cattle, and the objects of it, he lent his aid to carry it into immediate effect, and tendered passage to those who might compose the party. Of this very reasonable and unexpected means of reaching California, the party availed themselves. A company was formed, and stock invested to a considerable amount, to which were to be added the avails of labor which the party might perform during their detention in California till the ensuing summer, when they were to return to Willamette, where the business was to be closed. After deducting expenses of the expedition, the owner was to receive his share of cattle according to his investment. It being desirable to stock the mission, in view of securing permanent provision for its future sustenance in its anticipated enlargement and progress, Rev. Jason Lee, Superintendent, invested six hundred dollars, mission funds, for this purpose. The party was organized, and was headed by Ewing Young, accompanied by P. L. Edwards, of the mission, as purser of the company.

"The cattle party took passage with Mr. Slacum, and, after some detentions at Baker's Bay, reached California in safety. Here they went to work and commanded high wages, till next spring, and, as soon as arrangements had been completed, commenced their march to the Willamette. Under an old colonial law, the transportation of female cattle had been prohibited. Messrs. Young and Edwards, having secured a removal of the restriction, bought 800 head of cattle at three dollars per head, and forty horses at twelve dollars each, making the whole outlay $2,880.

"Their return journey was full of hardships and through a rough, mountainous country. Numbers of cattle were drowned in swimming rivers. Some strayed, and some were shot by Indians. One Indian was killed by the party. They reached Willamette in October, 1837, with about six hundred head. The horses having been sold at public sale, the cattle were found to have cost about seven dollars and sixty-seven cents apiece; of these, more than eighty head belonged to the mission."

That importation not only supplied settlers with seed cattle, but it enabled them also to restore to the Hudson's Bay Company borrowed cattle, upon most advantageous terms to themselves. The company thereafter allowed their stock to roam unmolested over extensive pasturage ranges north of the Columbia, their object being the raising of beef cattle for their establishments, and the ultimate exportation of hides and tallow. Subsequent to 1838, the company's cattle, except a few for work and dairy use, were suffered to run wild, and were hunted as deer.

In the petition of '43, opposition to the claim of Dr. John McLoughlin to the tract of land including Willamette Falls, the Oregon City claim, was grounded upon: "1. He does not make such tract his continuous residence; but his time is divided between Fort Vancouver and elsewhere; 2. He is a British subject; 3. He claims tracts in other localities; 4. Like the 'dog in the manger,' when others would utilize the water-power at the Falls, by preparation to erect mills, he, also, then prepared to build; and as, with his superior facilities, he could undersell Americans, his threatened competition deters enterprise; 5. He has disposed of lots without himself having title."

British subjects, and citizens of the United States, then inhabited the territory. Did they not enjoy the same privileges to occupy lands and make homes? Were not the

(1) Purser W. A. Slacum, U. S. Navy. See *ante*.



WM. ELLIOTT,
OREGON CITY, OR



MRS. NANCY ELLIOTT,
OREGON CITY, OR.



CLINTON KELLY,
PORTLAND, OR.



AMOS N. KING,
PORTLAND, OR.



MRS. M. KING,
PORTLAND, OR.

possessory rights of each entitled to the same recognition and respect? It can hardly be questioned that, until sovereignty of soil was recognized to be in the United States, until Federal jurisdiction and law had been extended over the territory, that the American citizen enjoyed no greater privileges than the subject of the Queen of Great Britain. Until establishment of law and courts within the territory, all, of whatever nationality, were possessed of the same rights to occupy and utilize land, their guarantees of future ownership and confirmation of title being equal. If British subjects, in common with American citizens, could not, at that time, by occupying lands in Oregon, acquire possessory rights in such land, then Dr. McLoughlin was a mere squatter at Willamette Falls, whose right to such claim continued only while actual possession was maintained. His right was, of course, subject to whatever conditions should be prescribed by law, when the territory became an organized government. If he were an alien, and that class were disqualified from acquiring lands, then Dr. McLoughlin would be compelled to elect whether he would continue his alienage or become a citizen of the United States. Should actual residence for a prescribed period be imposed as a condition to acquire title, he would have to comply with the law or forfeit his claims. In short, whatever the law should impose would have to be performed by every British subject in common with every American citizen.

There existed the conviction, on the part of American residents, that Oregon south of the Columbia river would never be recognized as British territory. So believing, their jealousy against British subjects seizing the most valuable claims in that section may be extenuated. To that jealousy may be attributed the presence in the "Petition" of frivolous insinuations, detracting from the tone of a memorial of grievances, and lowering it to a mere dogmatic tirade. However natural such prejudice, it was none the less unjust. In 1818, the United States and Great Britain, the national claimants of the territory, had entered into a treaty providing for its joint occupancy for ten years. In 1827, that condition of affairs had been continued, until it should be terminated after twelve months' notice had been given by either nation. "The country westward of the Stony Mountains had continued free and open to vessels and subjects of both nations."

The faith of the two nations for a quarter of a century had been solemnly pledged that British subjects, and citizens of the United States, might settle in any part of the vast region west of the Rocky Mountains, and from forty-two degrees to fifty-four degrees, forty minutes north latitude, and that no prejudice to the territorial claim of either nation should inure by such settlement. As nations, neither could occupy to the prejudice of the other; but to British and American citizens, in an equal degree, the country was free and open. Both were equal before that treaty, the supreme law of the land. Nay, more, acts of Congress had been suffered at different sessions to pass the Senate or House of Representatives (not concurrently, for it was not intended that they should become law while the territory was in dispute), but, foreshadowing a legislation encouraging the settlement of Oregon, by donations of land to all who would settle, regardless of nationality. The boon was extended to the native born to go to Oregon. It was alike offered as an incentive to the Briton, there to become an American citizen. Congress voluntarily indicated a policy encouraging settlement. It held out inducements, to both the native born and alien, to settle and acquire land in Oregon. It virtually promised that, when sovereignty was determined to be in the United States, such land should be confirmed to the actual settler.

Under the Joint-Occupancy Treaty, under the spirit of the legislation of Congress, intended to invoke occupancy of Oregon, and thus secure to the United States an advantageous termination of the boundary controversy, Dr. John McLoughlin, by the expressed action of the United States, stood in the same relation as a native-born citizen, entitled to the same consideration at the hands of the United States Congress as did the signers of the Petition of 1843. The vast territory was open to him as a British subject, free to settle anywhere; for none had been present to oppose him when he came. As early as 1828-9, he had encouraged the formation, south of the Columbia river, of an agricultural settlement by retired servants of the Hudson's Bay Company. In 1829, he projected the erection of a saw and grist mill, as an auxiliary to such settlement; with this in view, to obtain water power, he occupied the land at Willamette Falls, the present site of Oregon City. During the winter, his workmen had resided there in three log houses, preparing timber for the saw-mill. In the spring following, they cultivated a garden. The Canadian settlement made but little progress, as the necessities for lumber and of the wheat supply did not demand the immediate erection of mills. In 1832, the mill race was blasted. In 1838, the square timber was hauled to the site of the mill, and a house and store were erected, the houses built in 1829 having been destroyed by Indians.

In 1840, Rev. Jason Lee, Superintendent of the Oregon Methodist Mission, applied to Dr. John McLoughlin for permission to build a missionary station at Willamette Falls, and for the loan of sufficient square timber for the erection of mission buildings. Dr. McLoughlin freely granted sufficient ground for the buildings. As machinery for his mill had not arrived, he loaned the mission the desired timber. Dr. William F. Tolmie, then on duty at Fort Vancouver, was sent to show Superintendent Lee what had been reserved for the mill yard, and to designate the spot upon which Dr. McLoughlin consented that the mission building might be erected. To avoid misunderstanding, as also to give publicity to his claim, Dr. McLoughlin addressed Rev. Jason Lee, July 21, 1840, written notice, embodying his offer. The Rev. Jason Lee, Superintendent, accepted that offer, recognizing Dr. McLoughlin as the party authorized to make it.

The Methodist Mission building was at once erected, consisting of two apartments, one for a store, the other for the residence of the missionary, Rev. A. F. Waller. In 1841, Felix Hathaway had some timber upon an island, intending to build. He was notified by Dr. McLoughlin that the claim of the latter embraced that island. In that same year was formed the "Willamette Milling and Trading Company," three-fourths of the stock being held by members of the Oregon Methodist Mission. There were a few shares held by independent settlers, among whom was Felix Hathaway. He and his associates now occupied the island regardless of the claim of Dr. McLoughlin. The company at once proceeded to erect a saw and grist mill on the island, containing about two and a half acres, afterwards called Abernethy Island. The water flowed over it during high water; at low water, it is separated from the main land by a channel forty feet wide. Dr. McLoughlin, as soon as he learned of the formation of the company, and their purpose, notified them that his claim included the island, but consented to their going on, giving them a written document, in which he made certain reservations. Superintendent Lee, who attended the first or second meeting of the company, before any operations had been commenced, stated that the island upon which they contemplated building was within the limits claimed by Dr. McLoughlin.

In the fall of 1842, Dr. McLoughlin, having heard that Rev. A. F. Waller intended to claim the Falls, communicated such rumor to Superintendent Lee, who, having seen Mr. Waller, assured him that he denied such intention. A few days later, a settler applied to Dr. McLoughlin for a building lot. He was directed to make his selection. Waller, noticing the settler so engaged, ordered him to desist, saying, "it was all well enough for Dr. McLoughlin to give away lots on Mr. Waller's claim, but he preferred to give away his own lots." This unmistakable claim by Mr. Waller called forth a correspondence between Dr. McLoughlin and Superintendent Lee. On the 18th of November, 1842, Dr. McLoughlin inquired of Superintendent Lee whether Rev. A. F. Waller claimed a mile square at Willamette Falls; to which, on the 28th, Superintendent Lee replied:

"I said to you that I had conversed with Mr. Waller on the subject of claims at the Falls, and that I understood him to say that he sat up no claim in opposition to yours; but, if your claim failed, and the mission did not put in a claim, he considered he had a better right than any other man, and should secure a title to the land if he could. From what I have since heard, I am inclined to think I did not understand Mr. Waller correctly; but I am certain it is so. You will here allow me to say, that a citizen of the United States, by becoming a missionary, does not renounce any civil or political right. I cannot control any man in these matters, tho' I had not the most distant idea, when I stationed Mr. Waller there, that he would set up a private claim to the land."

No satisfactory settlement was reached between the Rev. Mr. Waller and Dr. McLoughlin, although several propositions appear to have been made. In the summer of 1843, John Ricord, Esq., who styled himself "Counsel of the Supreme Court of the United States," stopped at Fort Vancouver, and, while there, remarked that, as Dr. McLoughlin was a British subject, he could not hold Willamette Falls Dr. McLoughlin proposed to retain his professional services, and asked him to indicate how he (Dr. McLoughlin) could secure his property-rights at the Falls. Ricord declined to give an opinion; but, a few days later, in company with Rev. Jason Lee, he again called at Fort Vancouver, upon which occasion he handed to Dr. McLoughlin a note, in which the following offer was made:

"I shall be most happy to serve you on the following conditions: That your pre-emption line be so run as to exclude the island upon which a private company of citizens have erected a grist-mill, conceding to them as much water as may be necessary for the use of said mill; that Rev. A. F. Waller be secured in the ultimate title to two city lots now in his possession, and other lots, not exceeding five acres, to be chosen by him from among unsold lots of your present survey; that Rev. Jason Lee, on behalf of the Methodist-Episcopal Mission, be also, in like manner, secured in regard to certain lots in Oregon City. For my services, in attempting to establish your pre-emption to the land in question, the sum of £300 sterling money.

"The three first-mentioned conditions are induced by a wish to escape the censure of several personal friends in this country; to diminish at the same time, as much as possible, the opposition which I am convinced will be made to your claim; and to secure on your behalf the valued testimony of some important witnesses. I would desire not to make public the fact of my retainer, lest any person, unfriendly to your claim, should in the meantime endeavor to counteract my efforts. Conciliation ought to be observed towards those who have heretofore pretended to hold adverse possession of the same tract."

This proposal, which had the appearance of a desire for amicable settlement, but was really a suggestion that Dr. McLoughlin should yield everything to those he had too much reason to believe were trespassing on his rights, was declined. He replied: "I am most anxious to do everything I can to promote a good feeling among members of our little community; still the desire ought to be mutual. But, in the document you gave me, the concessions are all to be on my side; and some of these are perfectly inadmissible, as they are out of my power to be complied with."

A week later, Counselor Ricord regretted that he was precluded from serving Dr. McLoughlin, and notified that officer that he wished to go to the Sandwich Islands, and inquired about securing passage. That was about the 17th of November. Rev. Mr. Lee, Superintendent, accompanied Ricord to the Sandwich Islands on the bark *Columbia*. Dr. McLoughlin then made an offer in regard to the mission's claim, and also as to the milling company, but did not recognize any right in Rev. A. F. Waller. Three days before this verbal interview, Counselor Ricord had penned a notice, dated December 8, 1843, which he caused to be served February 22, 1844. That notice was signed by Ricord, as "Counsel of the Supreme Court of the United States, and attorney for A. F. Waller." Said counsel also issued an address to the people of Oregon in behalf of his client, Rev. A. F. Waller, invoking them to resist the aggressions of Dr. McLoughlin. In that address will be found this demagogic appeal: "These, fellow citizens, are the facts and some of the points of law in my client's case. Upon the same principle contended for by Dr. McLoughlin, any of you may incur the risk of being ousted from your farms in the colony by the next rich foreigner who chooses to take a fancy so to do, unless, in the first instance, you come unanimously forward and resist these usurpations." The letter to Dr. McLoughlin by the attorney of Mr. Waller is interesting, because it shows the animus of those who would deprive Dr. McLoughlin of his property, or his right of possession to property. John Ricord, "Counsel of the Supreme Court of the United States," thus stated the position of his client:

"A. F. Waller has taken formal measures at Washington to substantiate his claims as a pre-emptor and actual settler upon the tract of land, sometimes called the Willamette Falls settlement, and sometimes Oregon City, comprising six hundred and forty acres; and, being aware that, although a foreigner, you claim to exercise acts of ownership over said land, this notice is given to apprise you that all sales you may make of lots, or other subdivisions of said farm, after the receipt hereof, will be regarded by my client, and by the government, as absolutely fraudulent, and will be made at your peril.

"The grounds upon which my client claims exclusive right, under the laws of the United States, of acquiring a patent for said land, are:

"1st. As a citizen of the United States, in 1840, when he first took possession of the same;

"2d. Prior occupancy, building, fencing and clearing of said land, from which he has never removed his domicile.

"The ground on which he denies your pretended claim to the right under the laws of the United States of acquiring a patent to the said tract of land are:

"1st. That you are an alien, owing allegiance to a foreign government; and therefore you are not eligible to such a claim;

"2d. That you are the chief officer of a foreign corporate monopoly, and that that would be sufficient of itself to debar you of any such rights;



HOWARD W. STRATTON

SPOKANE FALLS, W.T.

"3d. That you have never resided upon the land alluded to since the month of December, A. D. 1840, when you first openly laid claim to the same; but that, on the contrary, you have always resided and still reside at Vancouver, on the north bank of the Columbia, within the territory actually in dispute between the two governments, at least twenty miles from this land; and that, upon no other principle than that of omnipresence, could you be supposed to settle thereon;

"4th. That while you pretend to hold said land for yourself, you in fact hold the same for a foreign corporate body, evinced by the employment of their agents and partners, as your pretended agents; and, as no corporation in the United States can acquire land by pre-emption, so most assuredly a foreign one cannot; and,

"5th. That your claim arose, if at all, more than two years subsequently to your actual possession, building, fencing, clearing and cultivation; and that therefore, all other reasons aside, it cannot be so good.

"I regret extremely the failure of my endeavor to make an amicable compromise of this matter, and that my client has been driven to the vexatious proceedings of the law, in order to establish his rights as an American citizen."

And thus matters had continued, without material change, until the spring of 1844. In April, Dr. Elijah White, while on a visit to Fort Vancouver, conversing with Dr. McLoughlin upon the subject of differences between the Methodist Mission and Mr. Waller, on the one part, and Dr. McLoughlin on the other, as to the Oregon City claim, volunteered to interview Mr. Waller. An arbitration resulted. Dr. Elijah White, James Douglas and William Gilpin were selected, who awarded to Rev. A. F. Waller five acres and five hundred dollars, and to the Oregon Methodist Mission fourteen lots. Governor James Douglas had favored buying off the Doctor's contestants, and the Doctor submitted.

In June, 1844, Rev. George Gary succeeded Rev. Jason Lee as superintendent of the Oregon Methodist Mission. The sale of the property of the mission having been determined upon, Superintendent Gary, on the 15th of July, submitted in writing the following proposition to Dr. John McLoughlin: "The following is the valuation we put upon the property of the Missionary Board of the Methodist-Episcopal Church in this place (Willamette Falls). We deem it proper to present a bill of items, that you may more fully understand the grounds of our estimate: One warehouse, $1,300; one white dwelling-house, $2,200; outhouses and fencing, $200; old house and fencing, $100; four warehouse lots, $800; eight lots in connection with dwelling-house, $1,400. Total, $6,000. The two lots occupied by the church are not included in the above bill. If you should conclude to purchase the above-named property, you will do it with the understanding that we reserve the occupancy of the warehouse until the 1st of June, 1845; the house in which Mr. Abernethy resides until August, 1845; and all the fruit-trees on the premises, to be moved in the fall of 1844 or spring of 1845; and the garden vegetables now growing. If you see fit to accept this proposition, please inform us at the earliest opportunity, as we cannot consider ourselves pledged longer than a day or two."

Dr. McLoughlin felt outraged at this extortion. In vain he referred to the fact that he had so recently donated the lots; that the old house was built with lumber borrowed of him. He suggested that the matter might be referred to the Methodist-Episcopal Missionary Board; but every proposition was rejected. The reverend gentleman justified himself, as it was "business." The business man vainly

urged that honor and conscience might be regarded. The terms were accepted; the mission, as such, was out of the controversy, but not its late constituent elements. As individuals, the relentless spoliation against him continued.

With the great migration of 1843 had come Peter H. Burnett, a lawyer from Missouri, with a reputation for ability and integrity. (The Oregon Provisional government made him Chief Justice. When Oregon became an United States territory, he was appointed an Associate Justice of its Supreme Court. Moving to California in 1849, he was elected first governor of that state, and served afterwards upon its Supreme bench.) Dr. McLoughlin retained him as counsel. Under his advice, Waller, though still an occupant of the claim, was not disturbed, as Waller could acquire no adverse right against his landlord, under whom, as tenant, he had entered. The milling company was notified that Dr. McLoughlin would assert his right to the island, as soon as courts of law should be established with jurisdiction to adjudicate land titles.

The election, in 1844, of Mr. Polk as President, on the Oregon issue of "fifty-four, forty or fight," created excitement in Oregon. War was supposed to be imminent, if not at that time declared. Dr. McLoughlin had estates in Canada. To change his allegiance in time of war might be attended with most serious personal consequences. Neither could he, in such a condition of affairs, as a British subject, hope to retain Oregon City. As soon as the war-bubble had been dispelled, he had resolved to sever his connection with the Hudson's Bay Company, and become a citizen of the United States. His former legal adviser had become Chief Justice of the Oregon Provisional government. Dr. McLoughlin appeared before him to declare his intention to become an American citizen, and to renounce all allegiance to the British Crown. But Judge Burnett was powerless to receive that declaration. He had neither authority of law to administer such an oath, nor was his court authorized by law to receive, file, or attest such declaration. Scrupulous and conscientious, he denied the application. The Provisional government might not be recognized; clearly its courts were not among those courts upon which Congress had conferred jurisdiction to naturalize aliens. The Oregon controversy had been settled between the two nations. Dr. McLoughlin had resigned the service of the Hudson's Bay Company, and was residing at Oregon City. Governor Joseph Lane, first governor of Oregon Territory, had arrived, and, on March 3, 1849, issued a proclamation formally announcing the extension of Federal jurisdiction over the territory. Hon. William P. Bryant, commissioned as Chief Justice of the Oregon Supreme Court, had entered upon the discharge of his judicial duties. A court competent to try the title to Abernethy Island had been furnished; but Chief Justice Bryant and Governor Lane had become purchasers of that island. On the 30th of May, 1849, John McLoughlin declared his intention to become a citizen of the United States, in what was called the United States District Court of the county of Clackamas, Oregon Territory. Those territorial courts have ceased to be regarded as United States courts; but their jurisdiction to naturalize was exercised and sanctioned by authority.

Samuel R. Thurston, in honor to whose memory the county of Thurston received its name, was elected Oregon's first delegate to the Congress of the United States. On the 27th of September, 1850, that Congress passed the Donation Law, its eleventh section being as follows:

"And be it further enacted, that what is known as the 'Oregon City claim,' excepting the Abernethy Island, which is hereby confirmed to the legal assigns of the Willamette Milling and Trading Company, shall be set apart and be at the disposal of the Legislative

Assembly, to the establishment and endowment of a university, to be located at such place in the territory as the Legislative Assembly may designate: *Provided*, however, that all the lots and parts of lots in said claim sold or granted by Dr. McLoughlin, previous to the fourth day of March, eighteen hundred and forty-nine, shall be confirmed to the purchaser or donee, or their assigns, to be certified to the Commissioner of the General Land Office by the Surveyor-General, and patents to issue on said certificates as in other cases."

It will be asked, "why were such wrongs perpetrated by Congress?" The solution will be found in the address of Oregon's representative to his constituents, embodying the misrepresentations and character of the arguments used. Here is an extract from his personal appeal to members of Congress urging the passage of the Donation Law:

"I will next call your attention to the eleventh section of the bill, reserving the townsite of Oregon City, known as the 'Oregon City claim.' The capital of our territory is located here; and here is the county seat of Clackamas county. It is unquestionably the finest water-power in the known world; and as it is now, so it will remain, the great inland business point for the territory. This claim has been wrongfully wrested by Dr. McLoughlin from American citizens. The Methodist Mission first took the claim, with a view of establishing here their mills and mission. They were forced to leave it, under the fear of having the savages of Oregon let loose upon them; and successively a number of citizens of our country have been driven from it, while Dr. McLoughlin was yet at the head of the Hudson's Bay Company, west of the Rocky Mountains. Having at his command the Indians of the country, he has held it by violence and dint of threats up to this time. He had sold lots up to the 4th of March, 1849, worth $200,000. He also has upon it a flouring mill, granaries, two double saw-mills, a large number of houses, stores and other buildings, to which he may be entitled by virtue of his possessory rights, under the treaty of 1846. For only a part of these improvements which he may thus hold, he has been urged during the last year to take $250,000. He will already have made a half million out of that claim. He is still an Englishman, still connected in interest with the Hudson's Bay Company, and still refuses to file his intentions to become an American citizen, and assigns as a reason to the Supreme Judge of the territory that he cannot do it without prejudicing his standing in England.

"Last summer he informed the writer of this, that whatever was made out of this claim was to go into the common fund of the Hudson's Bay Company, of which he and the other stockholders would share in proportion to their stock; in other words, that he was holding this claim for the benefit of the company. Now, the bill proposes to reserve this claim, subject to whatever rights he may have to it, or any part of it, by virtue of the treaty, and confirms the title to all lots sold or donated by him previous to March 4, 1849. This is designed to prevent litigation. That day is fixed on because, on that day, in Oregon City, Governor Lane took possession of the territory, declaring the laws of the United States in force, and apprising Dr. McLoughlin and all others, that no one had a right to sell or meddle with the government lands. Dr. McLoughlin ought to have been made to pay back $200,000; but, not wishing to create any litigation, the committee concluded to quiet the whole matter by confirming the lots. Having in this way made $200,000, and his possessory rights, if it shall turn out that he lawfully acquired any, being worth $300,000 more, the people of Oregon think your bounty is sufficient to this man, who has worked diligently to break down the settlements ever since they commenced; and they ask to save their capital, their county-seat, and the balance of that noble

water-power from the grasp of this British propagandist, and bestow it on the young American generation in Oregon in the shape of education, upon whom you and the country are to rely to defend and protect the western outposts of this glorious Union.

"When the Methodist Mission was driven from this claim, they went onto an island in the middle of the river, and constructed mills and made other improvements. This island is known as Abernethy Island, and is of no value, except for the improvements upon it. It consists of about two acres of barren rock. This island was subsequently sold to George Abernethy, and the bill ought to confirm the same to Abernethy or his assigns. This is a simple act of justice to American citizens, who now have their mills and property staked on those rocks, and on which, for a long time, stood the only mill in the valley where an American could get any grain ground for toll."

It is impossible to believe that the eleventh section of the Oregon Donation Law could ever have received the sanction of Congress, but for the representations that John McLoughlin had refused to become an American citizen; that he had refused to renounce allegiance to the British Crown. Congress is blameless for acting upon information before it, and for reaching the decision that the Oregon City claim was without a lawful claimant, and donating it to the territory for educational purposes.

John McLoughlin, who had assisted the American immigrant, who had given up his high rank and salary in the Hudson's Bay Company rather than ignore the claims of humanity and refuse credit to the destitute settler, was in his old age thus unjustly despoiled of his property. The island went to the assigns of the milling company. The good and generous old friend of the Oregon pioneer, broken hearted and soured with the injustice of the world, sunk into his grave in the fall of 1857. Five years later, the State of Oregon refused to retain the unhallowed gift, and restored the Oregon City claim to the heirs of John McLoughlin.

As must have been observed, congressional proceedings, session after session, had foreshadowed congressional intent to make liberal grants of land to actual settlers in Oregon. It seemed to have been generally acquiesced in, that the favorable solution of the Oregon controversy depended upon peopling the territory overland from the western States. That protracted contest had attracted the attention of American people, more particularly citizens of the western States. The spirit of congressional legislation as to the territory had been clearly indicated by uniform provisions in those several measures which had been introduced each succeeding session. Favorable reports as to soil, climate and resources from residents of the territory, missionaries and others, all tended to invite popular attention and to promote active emigration schemes in several portions of the Union.

In the spring of 1843, as soon as the condition of the country had warranted travel, large bodies of "Oregon emigrants," mostly from Missouri, but quite a number from adjacent States, commenced to journey westward towards Independence, Missouri. On the 20th of May, a formal meeting was convened at Fitzhugh Mills, twelve miles west of Independence. Among them were Peter H. Burnett, Jesse Applegate and his brothers, with their respective families, James W. Nesmith, Daniel Waldo, Jesse Looney, T. D. Kaiser, and others who have made their names notable in Oregon. The party numbered about one thousand, men, women and children, about a third of whom were capable of bearing arms. The train consisted of 120 wagons; the number of cattle amounted to 5,000 head. Peter H. Burnett was elected captain, James W. Nesmith, Orderly Sergeant. A council of nine to arbitrate and adjust differences was appointed. Captain John Gant,



HON. WILSON BOWLBY,

FOREST GROVE, OR.

a Rocky Mountain man, and an ex United States army officer, was selected as Pilot to Fort Hall. Later Governor Burnett was succeeded by William Martin as captain. The train was subsequently divided into two columns, the one termed the "Light Column" being headed by Captain Martin, and the other, the "Cow Column," under commanp of Jesse Applegate. The two columns moved separately, but were near enough to support each other in the event of an Indian attack. The usual vicissitudes of prairie travel, camping, marching and other features, characterized that journey.

Arrived at Fort Hall, there was considerable discussion as to going further with wagons, or abandoning them at that point. Captain Grant, the Hudson's Bay Company's agent in charge of Fort Hall, discouraged the attempt to take wagons down Snake river. Dr. Marcus Whitman, who had overtaken the train at the crossing of the Platte, as strenuously urged the ability of getting through with them. His counsel prevailed, and with the aid of Sticcas, a Cayuse chief, and other Cayuses who had come to escort Dr. Whitman to his station, he agreed to guide the train to the mission. When the train had reached Grand Ronde, Dr. Whitman was compelled to leave, being summoned to Lapwai Mission station to attend Mrs. Rev. Henry H. Spalding, who was severely ill. Sticcas, the Cayuse chief, succeeded Dr. Whitman as guide, and safely and successfully piloted the immigrants to Whitman's station at Waiilatpu.

Upon reaching Fort Walla Walla, the question arose as to the feasibility of proceeding overland to the Dalles. It was suggested to be wiser to leave the wagons and animals at Fort Walla Walla till the coming spring and then to build boats and descend the Columbia. Neither Dr. Whitman nor Archibald McKinlay, chief trader of Hudson's Bay Company in charge of Fort Walla Walla, were acquainted with the character of the road, or of the feed back of the river, nor of the crossing of the John Day and Des Chutes rivers. Both advised going down the Columbia to the Dalles in boats. The main portion of the train proceeded overland. Seventy of the party, among whom were the Applegates, acted upon the advice of Whitman and McKinlay. The advice given to leave their wagons and stock to winter at Walla Walla occasioned bitter animadversion. By many it was attributed to mercenary motives, to the desire to secure pay for herding, or to occasion, as an alternative, an exchange in the Willamette valley for the stock left, head for head, of California cattle. Growing out of these circumstances, this negotiation as to stock, its forwarding or wintering, several immigrants entered into a contract with Chief Trader McKinlay, subject to the approval of Dr. John McLoughlin, chief factor at Fort Vancouver. This transaction was much criticised, and is known as the "Cattle Contract." It occurred at old Fort Walla Walla, between certain immigrants of '43 and Archibald McKinlay, chief trader in charge. It exhibits the conduct of Dr. McLoughlin towards American settlers on their arrival in the country; his liberality; his active sympathy with them in their necessities; his exalted standard of right between man and man.

Peter H. Burnett had hurried forward to Fort Walla Walla, to secure transportation down the Columbia. Mr. McKinlay, chief trader in charge, had supplied a boat which Governor Burnett was to leave at Fort Vancouver. The latter remained over night at the fort, and had considerable conversation as to the practicability of getting cattle over the Cascade Mountains and through to the Willamette valley. McKinlay, who had never traveled by land over the route, declined giving an opinion as to a road beyond the Dalles. Mr. McKinlay, who remarked that he had shortly before sent a requisition to Fort Vancouver for ten or fifteen gentle cows, wanted by the Indians, suggested that if any immigrants wished to make an exchange of that number for an equal number, to be

delivered at Fort Vancouver, such arrangement would save driving to both parties. He also expressed a wish to purchase brood mares for his private use. Governor Burnett declined, having no animals to spare. A day or two later, Jesse Applegate reached the fort. He offered his whole band upon the terms McKinlay had proposed to Governor Burnett. To this McKinlay entered a flat refusal, and even remonstrated against Applegate sacrificing so much stock; that he only desired a few head to supply a small Indian trade. Mr. Applegate replied that, as he intended to go to the Shasta country in the spring, he cared only for such cattle as could be turned into beef. Mr. Applegate remarked that Mr. Littlejohn (Rev. A. B., temporarily at Waiilatpu during Dr. Whitman's absence), had offered twelve dollars and a half per head for the whole band, and, if McKinlay refused, he would sell to Littlejohn, who had stated that he wanted cattle to exchange with the Indians for furs. Mr. McKinlay, fearing that Littlejohn, if he secured the stock, would embarrass the fur-trading business, then accepted Applegate's proposition, subject to Dr. McLoughlin's approval. Should Dr. McLoughlin reject the proposition, the band was to be wintered at Fort Walla Walla for one dollar per head. The horses and cattle purchased by McKinlay of Jesse Applegate, on private account, were returned, in accordance with Mr. Applegate's request.

Subsequently, Governor Burnett published a journal of an "Immigrant" in a Missouri newspaper, in which reference was made to that cattle transaction; and McKinlay was charged with driving a hard bargain. Language of Dr. McLoughlin, seemingly reflecting upon McKinlay, quoted in the "Immigrant," led to an explanatory letter of Dr. McLoughlin, exculpating McKinlay. That transaction is best explained by the correspondence and contract itself. Under date of October 12, 1843, Governor Burnett wrote McKinlay:

"I wish you to consider it (the boat) engaged to us. I mentioned to Mr. Beagle your kind proposition to take our cattle here, and give us cattle at Vancouver, to which he would assent, but for the fact that his cattle are of a particular kind to which he is very partial, and with which he would not willingly part. I would myself exchange mine with you, but I may settle at the Dalles; and if I do so they would be more inconvenient to me than at this point.

"I saw Captain Applegate, to whom I mentioned the fact that you wished to purchase or exchange for some American mares, as I knew he had several. I also recommended him to see you about exchanging his cattle, as he has a large stock of good breed. I hope you will be able to procure from him as much stock as you desire."

The so-called cattle contract is as follows:

"JOHN MCLOUGHLIN, ESQ.,

"*Sir:* Three days after sight, please pay Applegate & Co. two hundred and seventeen head of cattle of the sex and age to the individuals as given in the following list. (Here followed a tabulated schedule of seventy-six cows, one hundred and twenty-seven oxen and fourteen bulls, which were delivered by Hiram Straight, Miles Cary, Charles Lindsey, Jesse Applegate, Thos. G. Naylor, Elijah Millikin and John Baker.)

"In consideration of the superior condition and quality of the stock left with me by said company, I have stipulated that the above order shall be filled out of the stock of the fort, and to include as many broken-in cattle as you can conveniently furnish. And, in case the above order is not accepted by you, that their former stock shall be returned to them on demand next spring, they paying a charge of herding of one dollar per head. I am sir, your obedient servant, "ARCHIBALD MCKINLAY.

"Fort Walla Walla, October 27, 1843.

(Endorsed.) "The conditions of exchange contained in this covenant not being accepted, Mr. McKinlay will please to return the cattle received from Mr. Applegate and party, on his demand, at Walla Walla. "JOHN MCLOUGHLIN, C. F.

"Fort Vancouver, November 11, 1843."

Jesse Applegate wrote to McKinlay, December 19, 1843:

"Dr. McLoughlin, waiving all advantages that might have been derived from the exchange of cattle made with the company at Walla Walla, and actuated as I sincerely believe by the most generous and disinterested motives towards the emigrants, has canceled all contracts made with you at Walla Walla, so far as the Hudson's Bay Company was a party.

"For this reason, it becoming necessary for us to return to Walla Walla for our cattle that were exchanged, we would be very glad, if it met your wishes, to get the horses and cattle back that we sold to you as a private individual. Tho' contrary to my rules of doing business, I in this case most earnestly solicit a 'rue bargain;' for as I told you, at the time I sold them to you, that I would by no means have parted with my horses if I could have taken them down to Willamette safely, nor have sold the choice cows of the drove at any price unless the whole drove were disposed of.

"I do not pretend to deny that your conduct in the whole transaction was entirely fair, just and honorable, nor can I in the least impugn your motives if you determine to keep the animals; but as the animals are really of far less value to you than they are to me, and as I believe you far too generous to take advantage of the peculiar circumstances under which we acted when we sold them, I hope you will comply with my wishes in this matter."

On the 29th of December, 1843, Dr. McLoughlin wrote Mr. Archibald McKinlay:

"I have returned all the cattle the immigrants left with you, and for what you gave them orders on me, as I do not wish to take advantage of the situation those persons are placed in. I hope, therefore, that you have disposed of none of those animals, and that it will be convenient for you to return all you purchased on your own account, for which you gave orders on the store; and, though they have been paid, they will be taken off your account. And I must again repeat my approbation of the manner in which you managed that business by putting in a clause which left it optional to me to return the cattle. But pray who told them 'they could not bring their cattle down; that when they came their cattle would die.' The immigrants tell me it was Dr. Whitman and Mr. Littlejohn. But I do not see how those gentlemen could tell the immigrants so; and besides, these men, without their teams to work and their cows to supply themselves and their families with milk, can do nothing; in fact, without their cattle they are ruined."

Dr. John McLoughlin had before the date of the foregoing letter thus written to McKinlay:

"I did use the words the 'Immigrant' states on the 127th page of his journal: 'Are you aware the Spanish are inferior to your cattle. Mr. McKinlay did wrong; and I will not consent to profit by your reliance on our good faith.'

"As I was naturally enough surprised to hear that people had given American cattle for wild California cattle, it struck me they must not have been aware how inferior the latter were to the former. At the time, I believed you yourself were not aware of it, and that you meant, by wild Spanish or California cattle, cows of that breed unaccustomed to be milked, and males not accustomed to work, but both of which could be driven from one

place to another. What I meant by saying you had done wrong, I meant you had erred, and never thought or had the least idea that you had intended to take advantage of their situation, which you had no interest in doing, and could not mean to do, as you made the bargain subject to my approbation. Neither you nor they seem to have been aware of it at the time the bargain was made; and it would have been a breach of the confidence put in us to have kept them to it. It is this I meant: 'I will not consent to profit by your reliance on our good faith.' And I can also observe there can be no foundation for the 'Immigrant' stating you drove a hard bargain with them, as I always understood the bargain was at their request."

The Dalles of the Columbia was then the terminus of the overland road from the western States. No road had been opened westward of the Dalles across the Cascade Mountains into the Willamette valley. When the immigration had reached the Dalles, difficulties again appeared; from that point, and at that season, the journey forward was the most arduous of the whole trip. Rafts must be constructed to descend the Columbia, to reach the Willamette. Space is denied to recount the dangers and hardships of that fall and winter, to which the pioneers of 1843 were subjected,—how they suffered, what sacrifices they made in coming to Oregon to assure its being retained as American territory. Those two illustrious pioneers, Burnett and Applegate, have made immortal that transcontinental march of 1843,—the first in his readable and graphic "Recollections of a Pioneer;" Jesse Applegate, in his own characteristic way, has pictured "A Day with the Cow Column;" and, in his many letters to Deady, Victor, Evans and the press, has pen-photographed that memorable train and its eloquent reminiscenses.

The United States government had, in the spring, dispatched a second expedition under the command of Lieutenant John C. Frémont, United States Topographic Engineers, "to connect his reconnaissance of 1842 to the South Pass, with the surveys of the United States exploring expedition of Captain Charles Wilkes, United States Navy, near the coast of the Pacific Ocean, so as to give a connected survey across the continent." His party left the town of Kansas about the 1st of June, crossed the South Pass August 13th, reached Fort Walla Walla October 25th, and, upon the 7th of November, arrived at Fort Vancouver. The Frémont expedition brought carts all the way to Waiilatpu, from which point it accomplished the distance to Fort Vancouver with pack animals. Guided by Rocky Mountain men, or following the immigrant wagon tracks, that expedition contributed nothing new to geographic science, added nothing that had not already been known and published as to the great American interior; nor did it traverse any country which had not been previously traversed for years by trappers, missionary men and women, immigrants and mountaineers. True, that ride across the continent, called a government exploration, was made with great ostentation and parade. The journal of its doings was branded official; yet, how just the comments of that sturdy pioneer of 1843, who was then humble orderly sergeant of a wagon train of Oregon immigrants, that peerless humorist, satirist and orator, later Oregon's distinguished Senator in Congress, James W. Nesmith. In one of his inimitable speeches, he thus characterized the hero of that expedition, its mode of march, its practical utility and national benefit:

"In the eastern States, I have often been asked how long it was after Frémont discovered Oregon that I emigrated there. It is true that, in the year 1843, Frémont, then a lieutenant in the engineer corps, did cross the plains, and brought his party to the Dalles, and visited Vancouver to procure supplies. I saw him on the plains, though he



HON. J. A. STROWBRIDGE,
PORTLAND, OR.



O. P. S. PLUMMER, M. D.
PORTLAND, OR.



HON. J. H. MITCHELL,
U. S. S., OR.



HON. GEO. A. STEEL,
PORTLAND, OR.



JUDGE THOMAS C. SHAW,
SALEM, OR.

reached the Dalles in the rear of our emigration. His outfit contained all of the conveniences and luxuries that a government appropriation could procure, while he 'roughed it' in a covered carriage, surrounded by servants paid from the public purse. He returned to the States, and was afterwards rewarded with a presidential nomination as the 'Pathfinder.' The path he found was made by the hardy frontiersman, who preceded him to the Pacific, and who stood by their rifles here, and held the country against hostile Indians and British threats, without government aid or recognition until 1849, when the first government troops came to our relief. Yet Frémont, with many people, has the credit of 'finding' everything west of the Rocky Mountains; and I suppose his pretensions will be recognized by the future historian, while the deserving men who made the path, unaided by the government, will be forgotten."

Chapter XXXII.

(1844–1847.)

Oregon Under the Provisional Government—Indian Depredations at Willamette Falls—Death of George W. Le Breton—Arming of Citizens for Defense—Amendment to Organic Law, 1844—Prohibitory Liquor Law—First American Settlement North of the Columbia River—Oregon City Incorporated, the First Municipality West of the Rocky Mountains—Incorporation of Oregon Institute—George Abernethy Elected Governor, 1845—Petition of Provisional Government to Congress—Visit and Report of Lieutenant Neil M. Howison, U. S. Navy—Wreck of the U. S. Schooner Shark—Lieutenant Howison Presents Her Colors to the Provisional Government—Reception of the News of the Treaty of June 15, 1846.

ON THE 4th of March, 1844, Cockstock, a vicious Wasco Indian, who lived in the vicinity of Willamette Falls (Oregon City), accompanied by four Molallas, rode into that town. Their conduct was such as to create considerable alarm and excitement among the citizens. They were arrayed in war paint, armed with guns, and bows and arrows, which they brandished defiantly, and made other hostile demonstrations. Without having committed any actually hostile act, they crossed the river to the Indian camps on the opposite side, and solicited the Clackamas and Willamette Falls Indians to join them. Upon their return, the citizens had assembled in considerable number at the landing. All was excitement. Without any parley, a desultory firing commenced by both Whites and Indians. Cockstock had discharged his gun, when George W. Le Breton rushed upon him and attempted to arrest him, either in the interest of good order, or to earn the reward which Sub-Agent White had previously offered for the delivery to him of Cockstock. Le Breton, having received two gunshot wounds, had fallen and was struggling with Cockstock. He called out that he was being stabbed. Upon this, a mulatto, named Winslow Anderson, rushed upon Cockstock, and with the barrel of his rifle broke that savage's skull, and instantly killed him. The companions of Cockstock then fired guns and poisoned arrows promiscuously into the crowd. Messrs. Rogers and Wilson, both at work in the vicinity, neither participating in the *mêlée*, were wounded with arrows. Le Breton and they were conveyed to Fort Vancouver for surgical aid. Mr. Rogers died the next day. Le Breton lingered until the 7th. Though a young man, Le Breton had become a very prominent member of the community. He held the positions of Clerk of Court, Government Recorder, and Secretary of the Legislative Committee. He was a native of Newburyport, Massachusetts. One of the most zealous of American settlers, his death was a great loss to the infant settlement.

The affair created intense excitement. In Champoeg District, a mounted rifle company was organized, called the "Oregon Rangers," of which T. D. Kaiser was elected captain. The officers were commissioned by the Executive Committee of Oregon. The settlements were

put in a state of defense; but the war feeling subsided by Sub-Agent White compensating the widow of Cockstock, and otherwise appeasing the Wasco tribe. The American settlers, with apparent unanimity, justified Sub-Agent White's reward for Cockstock's arrest, and were disposed to justify the act of Le Breton in attempting to arrest him, which precipitated the fight, as also to avenge the deaths of Le Breton and Wilson. There were, however, strong denunciations of the acts of the Whites who engaged in the affray. It was declared to have been unnecessary, hasty, and without such overt act as would justify it (1). It was also claimed that the friendly Clackamas and Willamette Falls Indians who crossed the river with Cockstock and his party, on their return to the town declared that Cockstock maintained that his purpose, in returning, was to have an explanation from the Whites, and to demand the reason of their hostile actions and feelings to him, and why a reward should have been offered for his arrest (2).

In the official report of the sub-agent to the Secretary of War (3) will be found a letter (February 16, 1844) charging Cockstock with having made threats against a sub-agent (a colored man named James D. Saules) and the mulatto, Winslow Anderson, the slayer of Cockstock. On receiving this charge, Sub-Agent White, with a party of ten men, attempted to surprise Cockstock and his five adherents, while they were asleep. But the game was not there. Says he: "Cockstock had sworn vengeance against several of my party, and they thirsted for his blood. Having no other means of securing him, I offered $100 reward to any one who would deliver him safely into my hands, as I wished to convey him for trial to the authorities constituted among the Nez Perces and Cayuses, not doubting that they would feel honored in inflicting a just sentence upon him; and the colony might thereby be saved from an Indian war."

On a subsequent page of the report, Agent White states the cause of the quarrel between Winslow and Cockstock, and refers to his ill-advised and injudicious interference, and the offer by him of a reward. It is evident that the agent had the desire to remove the Indian to a distance, of whom he had just cause to fear personal harm. The official statement is that Cockstock had been hired by Winslow to perform labor, for a designated time, upon his land claim, for which Cockstock was to receive a certain horse. Before the completion of the contract, Winslow had sold the horse, as also the land claim, to his colored *confrère* Saules, the informer, without advising Cockstock of the sale, both allowing Cockstock to finish the contract. The negroes refused to deliver the horse to Cockstock when the work was fully performed. Cockstock, believing he had earned the horse, and that it was rightfully his property, took it into his possession. The negroes appealed to Agent White, who forced Cockstock to surrender the property. That Cockstock should have been indignant at White and the two blacks, and that he should have made threats against the two conspirators and their auxiliary, in defrauding him of his compensation, is not surprising; nor is it strange that the proclamation of outlawry by the agent of the government, who added insult to injury by offering a reward for his arrest, should have provoked his anger.

Though these facts were known, many of the settlers were resolved on avenging the death of Le Breton and Wilson; besides, Cockstock was a dangerous character, who had had previous difficulties with settlers. But Sub-Agent White succeeded in effecting a

(1) "Historical Sketches of the Catholic Church of Oregon during the past forty years" Portland, Oregon, [illegible] Pages [illegible] and [illegible].

(2) Letter on "Report of Dr. E. White, Sub-Agent Indian Affairs, to Hon. J. M. Porter, Secretary of War, March 18th, 1844," contained in "A Concise View of Oregon Territory, its Colonial and Indian Relations, Compiled from Official Letters and Reports, together with the Organic Laws of the Colony, by Elijah White, late Sub Indian Agent of Oregon." Washington, 1846. T. Barnard, Printer. Page 32 *et seq.*

(3) *Ibid.* Page 32.

settlement with the Dalles Indians (Wascoes), as he reported, "by giving Cockstock's widow two blankets, a dress and handkerchief, believing the moral influence better than to make presents to the chief or tribe, and to receive nothing at their hands (1)." That settlement, however humiliating and contrary to proper Indian policy, rendered inexpedient further chastisement of those Indians who had participated in the affray. Doubtless an Indian war was averted, so nearly caused by the folly and injudicious acts of a government agent,—the nearest approach to an outbreak which had been experienced by the Willamette settlements since the advent of Americans.

In May, 1844, Peter G. Stewart, Osborn Russell and William J. Bailey were elected an Executive Committee. Messrs. Peter H. Burnett, David Hill, M. M. McCarver, M. Gilmore, A. L. Lovejoy, Robert Newell, Daniel Waldo and T. D. Kaiser constituted the Legislative Committee. On the 15th of June, 1844, the Legislative Committee convened at Oregon City. General M. M. McCarver was elected speaker, and Dr. John E. Long secretary. The message of the Executive Committee recommended several important modifications of the Organic Law of 1843. Large accessions to the population had been made by the late immigration. Settlements had widely extended, and the provisions of the law of 1843 were found inadequate for the growing necessities of an expanding community.

The Legislative Committee had been instructed not to pass any laws imposing taxes. By the law of 1843, revenue was raised by voluntary contribution. To secure necessary funds, it was provided that subscription papers, as follows, be put in circulation to collect funds for defraying the expenses of the government: "We, the subscribers, hereby pledge ourselves to pay annually, to the treasurer of Oregon Territory, the sum affixed to our respective names, for the purpose of defraying the expenses of government: *Provided*, that in all cases each individual subscriber may at any time withdraw his name from said subscription upon paying up all arrearages and notifying the treasurer of the colony of such desire to withdraw." The pioneers not only acted upon the idea that all "just governments derived their authority by the consent of the governed," but they granted to each citizen the power to judge how much he was willing to contribute. The committee of 1844 believed that revenue should be derived from uniform taxation. The Ways and Means Committee, therefore, provided that any person refusing to pay taxes should derive no benefit from the laws, and should be disqualified from voting.

The act provided a tax of one-eighth upon all merchandise brought into the country for sale. It taxed improvements on town lots, mills, pleasure carriages, clocks, watches and live-stock. The sheriff was *ex officio* collector, with a commission of ten per cent on collections. The recommendations of the Executive Committee were severally adopted by the Legislative Committee, and incorporated into an amended Organic Law, which was to be submitted to a vote of the people at a special election; and, if approved by the popular vote, the amendments were to go into effect from and after the first Tuesday in June, 1845. At the special election, those amendments were ratified by a large majority.

The amended Organic Law abolished the Executive Committee, substituting, in lieu thereof, the office of governor. That officer was to be elected in June, 1845, and hold his office for two years. Under the original Organic Act, a law, before it took effect, was submitted to the popular vote. Under the amendment, such popular approval was abrogated; and the power of veto was conferred upon the governor, subject to the right of the legislature to pass by a two-thirds vote, notwithstanding the veto. The powers

(1) Dr. Elijah White's "Concise View of Oregon Territory, etc.," page 36.



HON. DAN'L. CHAPLIN,

LA GRANDE, OR.

A PIONEER OF 1854



GREEN ARNOLD,

LA GRANDE, OR.

A PIONEER OF 1854.

enjoyed by the Executive Committee were transferred to the governor. The Legislative Committee was superseded by a House of Representatives, consisting of not less than thirteen nor more than sixty-one members, apportioned among the various districts according to population. The Judge of the Supreme Court, theretofore eligible by the people, was to be appointed by the House of Representatives. The oath of office was modified so as to allow all citizens, whatever their nationality, to participate in the government. It was as follows:

"I do solemnly swear, that I will support the Organic Laws of the Provisional government of Oregon, so far as said Organic Laws are consistent with my duties as a citizen of the United States, or a subject of Great Britain, and faithfully demean myself in office." A display of tolerant spirit greatly to be commended, this due allowance for national prejudices. The American settlers did not arrogate the right to impose laws or legal restraint upon British subjects; but they established a government, in which distinctions of nationality were for the time being overlooked. All were invited to co-operate. Every disability growing out of foreign birth was removed. They did not attempt to control or influence allegiance. The success of the little pioneer republic on the Pacific Coast is highly creditable to the early settlers of Oregon.

The American element had now established its ascendancy. It continued to gather strength by the constant accession of immigrants from the western States, yet no proscriptive action followed. In all the legislation of the Provisional government, and its character will compare favorably with that of old-established States, the sole desire seems to have been to secure co-operation, unanimity of feeling in the community, and the banishment of every influence calculated to promote division. A small minority of citizens still favored the idea of forming a government independent of the United States. The delay of Congress to extend jurisdiction over the territory, to settle the boundary question, and establish a territorial government; the isolated condition of the settlements and their remoteness from the States of the Union; the belief that the Provisional government rested solely on the will of the governed, and could be repudiated at any time by concerted opposition of the people; that titles to land and to property of all kinds would continue unsettled and doubtful,—all seemed to furnish food to encourage such opinions. But this feeling was limited to the few. The American independent settlers still faithfully adhered to their favorite project,—"a government based on republican ideas, cultivating American thought, limited in its duration to such time as the United States should embrace the territory within its jurisdiction." Having revised several laws, amended the land law, materially diminishing the allowance made for the mission claims, and provided a system of taxation, the June session of the Legislative Committee adjourned on the 27th of June, to meet on the 16th of December.

At this session was passed a prohibitory liquor law (1). Its title was: "An Act to prevent the introduction, sale and distillation of Ardent Spirits in Oregon." The first section imposed a fine of $50 for the importation or introduction of ardent spirits into Oregon, with intent to sell, barter, give or trade the same, or for offering the same for sale, trade, barter or gift. The second section subjected to a fine of $20 the sale, barter, gift or trade of any ardent spirits, directly or indirectly, to any person in Oregon. The third section declared any manufactory or distillery of ardent spirits a nuisance, subject to a fine of $100, and an order directing the sheriff to seize and destroy the distillery

(1) *Oregon Spectator*, Vol. I, No. 1, February 5, 1846.

apparatus. The fourth section provided the mode for seizing and destroying distillery apparatus, implements and spirituous liquors, and punishing those engaged in such illicit manufacture.

By a law of the Legislative Committee (June 27th, 1844), the channel of the Columbia river had been made the north boundary of the Clatsop, Tualitan and Clackamas Districts. The two latter districts, created in 1843, were divided by the Willamette river, and a line continued northward from its mouth to the south boundary of the Russian possessions (fifty-four degrees, forty minutes north). The territory north and west of the Columbia river was now included in the Vancouver District. The only settlements and settlers in that district were the Hudson's Bay Company's establishments at Fort Vancouver, Cowlitz Farms, Fort Nisqually and Fort Victoria (1), the Canadian-French settlement at Cowlitz, two settlers on the north side of the Columbia river, viz., James Birnie, a retired servant of the Hudson's Bay Company, at Cathlamet, and Captain Scarborough, an American, near the mouth of the river, and Antoine Gobar, a herdsman in the employ of the Hudson's Bay Company, located on a little prairie upon Cowlitz river, and upon the line of the old Hudson's Bay Company's trail from Fort Vancouver to Cowlitz.

In July, 1844, the British sloop-of-war *Modeste*, carrying twenty guns, Captain Thomas Baillie, visited Fort Vancouver, remaining several weeks. This visit occasioned some anxiety to the settlers. Reports were current that the company had strengthened the defenses of their posts; and it was apprehended that the boundary was soon to be adjusted; that north of the Columbia would become British territory, in fee as well as by occupancy.

The immigration of 1844 was perhaps as numerous as that of '43. Among them were 234 able-bodied men, as appears by their military organization, of which Cornelius Gilliam was elected commander with the title of General, Michael T. Simmons, the American pioneer of the Puget Sound Basin, Colonel, and Captains Morrison, Shaw, Woodcock and Bunton. Dr. McLoughlin's memoranda fixed the number 475. Lang and Bancroft, however, upon reliable authorities, estimate it at about 800. Among that immigration were Henry Williamson and Isaac W. Alderman. In February, 1845, the two erected a log hut "within a few hundred yards of a house occupied by one of the Hudson's Bay Company's servants, and within the limits of their improvements," near Fort Vancouver; and Williamson posted notice on an adjoining tree "that he had there taken a section of land." Dr. McLoughlin caused the removal of the cabin, and addressed a circular to the citizens of Oregon, protesting against the trespass. This was followed by an attempted survey of the claim by Williamson, whereupon, March 18th, Chief Factors McLoughlin and Douglas notified the Executive Committee of the Provisional government. In the altercation which ensued, threats were indulged in on both sides. Williamson finally desisted. The Executive Committee of the Provisional government congratulated the company upon such fact being known, and thanked Messrs. McLoughlin and Douglas for their "kindness of manner in dealing with a disregard of treaty obligations by a citizen of the United States" (2).

This regard for treaty obligations on the part of the Executive Committee was not palatable to a large number of Americans. Under the "Joint-Occupancy Treaty," many

(1) In the spring of 1843, the Hudson's Bay Company had established their first settlement on Vancouver Island. Roderick Finlayson, with a party of forty men constructed a picketed inclosure and erected necessary warehouses and buildings. It afterwards assumed importance as the principal shipping port; and the business, stock and property from the Oregon posts were transferred to it. After the treaty of 1846, it became the headquarters of the company's operations west of the Rocky Mountains.

(2) Letter of Osborne Russell and P. G. Stewart, Executive Committee, to John McLoughlin, March 21, 1845.

settlers regarded *all of Oregon* open to every citizen, without the ability of either a British subject or an American Citizen to secure a vested right by the appropriation of any portion of land. To those entertaining such an opinion, the inclosures, made by the company of lands occupied, afforded no protection whatever, conferred no right of adverse possession. The mass of the community, however, thought differently, and respected the rights of property or possession which the treaty had conferred.

Colonel Joseph L. Meek, Sheriff, in the spring of 1845, took a census. This did not include those living north of the Columbia. Practically, it was the census of the Willamette valley at the end of the year 1844. It exhibited a population of 2,110, of whom 1,259 were males, 851 females.

The winter of 1844–5 marks the first attempt of emigrants from the United States to make settlements north of the Columbia river. A portion of the Independent Oregon Company of 1844, of which Cornelius Gilliam was General, Michael T. Simmons, Colonel, stopped at Washougal, where they erected temporary winter quarters and went into camp. Colonel Simmons, and those with his immediate company, had designed to have located in the Rogue river valley; but, on the arrival of Simmons at Vancouver, a persistent effort was made to induce the party to settle south of the Columbia. That effort stimulated Simmons to resolve upon trying the Puget Sound region. He endeavored to secure quarters at Fort Vancouver for his family during his contemplated northern trip. Such request was flatly denied until he should abandon his purpose of settling north of the Columbia. Simmons finally procured from a Kanaka the use of a room for one month in a shanty outside of the fort. In the month of December, accompanied by Messrs. Williamson, Loomis and the three brothers Owens, Colonel Simmons started for Puget Sound. After a tedious trip, attended with many hardships, the party reached the forks of Cowlitz river, where their provisions gave out, and they returned to Washougal. In July, 1845, Colonel Simmons visited Puget Sound, accompanied by William Shaw, George Wanch, David Crawford, Ninian Everman, Seyburn Thornton, David Parker and two others. Passing Cowlitz Farms, they learned that John R. Jackson had preceded them, and had located a claim and returned to the Willamette valley for his family. Colonel Simmons' party reached the Sound in August. They procured canoes and went around the head of Whidby's Island, returning through Deception Pass to the east side of the Island.

In the month of October, 1845, Colonel Simmons led the first American immigration to Puget Sound. It consisted of himself and family, Gabriel Jones and family, James McAlister and family, David Kindred and family, George Bush (1) and family, and Messrs. Jesse Ferguson and Samuel B. Crockett. Peter Bercier, of the Cowlitz (French) settlement, acted as a guide from the Cowlitz Prairie. They were fifteen days cutting a road from Cowlitz Landing to Tumwater, or the falls of the Des Chutes river. Colonel Simmons took a claim at Tumwater, calling it New Market. The remainder settled upon Bush Prairie, all within a circuit of six miles. The first house was erected upon the claim of David Kindred, at the edge of the prairie, about two miles south of Tumwater.

(1) George Bush was a colored man, a man of intelligence and great force of character, who deservedly commanded the respect of his associates and neighbors. He had left Missouri because it was a slave State, and there his race was ignored. He migrated to Oregon, north of slavery's line of thirty-six degrees, thirty minutes, which he expected to find "free territory." Before his arrival, the color line had been drawn by the passage of the proscriptive law against his race, inhibiting people of color residing within the territory. North of the Columbia river, where, at that time, British influence controlled, the enforcement of that law was altogether improbable. Besides, it was a prevalent opinion that the Columbia river would be adopted as the boundary line; that north of that river it would possibly continue British soil. Old George, knowing that "slaves cannot breathe in England," felt that, for him and his race, north of the Columbia was the preferable location. There is no doubt that George Bush was actuated by such opinions to seek a residence on the north side of the river; nor is it saying too much for the influence he exerted in that little band to claim the sympathy of his associates with his condition, after that long march with them to escape that pro-slavery atmosphere which crushed out his humanity, had much to do in determining the Simmons colony to settle upon Puget Sound.

During the fall, John R. Jackson had returned from the Willamette with his family and settled ten miles from Cowlitz Landing, naming his location Highlands. These were the first independent American settlements in northern Oregon.

The laws enacted at the session of the Legislative Committee in December, 1844, are preserved in the published legislation of Oregon. Among them was an act incorporating Oregon City, the first municipal incorporation west of the Rocky Mountains. The Oregon Institute at Salem, under the auspices of the Methodist-Episcopal Church, was also incorporated at the same session.

At the first election under the amended Organic Law, in June, 1845, GEORGE ABERNETHY was elected Governor of Oregon Territory. Before his inauguration, and while the last Executive Committee was still in office, the representatives provided by the amended Organic Law, and who were elected at the same time as Governor Abernethy, convened at Oregon City. General McCarver was elected Speaker, and Dr. John E. Long, Secretary. The message of the retiring Executive Committee was a manly, straightforward document, abounding in valuable suggestions and forcibly exhibiting the condition of affairs. A committee of five, consisting of William H. Gray, Jesse Applegate, H. A. G. Lee, John McClure and David Hill were appointed "to draft a memorial to the Congress of the United States, setting forth the condition, situation, relation and wants of the country." On the 27th of June, the memorial was reported and adopted. A resolution also passed providing that it should be signed by the Executive Committee, the Circuit Judge (Hon. J. W. Nesmith), and each member of the House. On the 28th, it was duly signed by Messrs. Russell and Stewart (a quorum of the Executive Committee), Judge Nesmith, and the members and officers of the House. A copy was delivered to Dr. Elijah White, to be conveyed to Washington.

The memorial was presented in the Senate of the United States by Hon. Thomas H. Benton (December 8, 1845). The opinion that he expressed of that document is, probably, its best commentary. It gives a thorough view of the situation of Oregon, the motives of the founders of the Provisional government, and their own idea of its claim to recognition, either by Congress or by the people of Oregon. Senator Benton thus alluded to the memorial:

"These petitioners stated that, for the preservation of order, they had, *among themselves*, established a Provisional and temporary government, subject to the ratification of the United States government. The petition sets forth, in strong and respectful language, arguments why the citizens residing in that section of country should be protected for the purpose of preserving their rights, and also as a means of preserving order. The memorial was drawn up in a manner creditable to the body by which it was presented, to the talents by which it was dictated, and to the patriotic sentiments which pervaded it; and the application was worthy of a favorable consideration for its moderation, reasonableness and justice. As the best means of spreading the contents of this petition before the country, and doing honor to the ability and enterprise of those who presented it, he moved that it be read at the bar of the Senate" (1).

In accordance with the resolution passed by the Legislative Assembly, this memorial, able paper as it was, became the occasion of a novel episode in the legislative history of the Provisional government. It, together with a copy of the amended organic law, had, by a vote of the house, been placed in the hands of Dr. Elijah White, to be carried to Washington for presentation. That gentleman was about to visit Washington to

(1) "Congressional Globe," Vol. XV, page 24, first session twenty-ninth Congress, 1845-6.



HON C. P. COOKE,

ELLENSBURGH, W. T.

procure an adjustment of his accounts with the Indian Bureau, as also to apply for the governorship of the territory of Oregon, which office it was expected would shortly be created. He carried with him two other resolutions passed by the legislature, one a vote of thanks "for meritorious exertions to find a pass through the Cascade Mountains," the other recommending " to the favorable consideration of Congress the just claims of Dr. E. White, sub Indian agent, for a remuneration for the heavy expenses by him incurred in attempting to discover a southern passage through the Cascade Mountains " (1). A few days later the House resolved:

" That whereas, a copy of the organic law of Oregon, together with some resolutions, intended to be sent to the United States, have not been attested and dispatched according to the directions of this House; therefore,

"*Resolved*, that the clerk dispatch for them a messenger to Vancouver, with authority to bring said documents back, and that he deliver them to the secretary; and that the expenses incurred be paid by the members of this House who voted for the resolution." On the next day the House resolved:

" That whereas, the Speaker of this House has signed certain documents, ordered to be sent to the United States, by a vote of this legislature, from a mistaken sense of duty, and not from contumacy or contempt for this House; therefore,

" *Resolved*, that M. M. McCarver, said Speaker, have leave of absence for the purpose of following Dr. E. White to Vancouver; and this House enjoins that said Speaker erase his name from said documents, to wit: the Organic Law and two resolutions in favor of Dr. E. White." It was further

" *Resolved*, that it was not the intention of this House, in passing resolutions in favor of Dr. E. White, to recommend him to the government of the United States as a suitable person to fill any office in this territory;" and it was further

" *Resolved*, that the Clerk of this House forward, by some suitable person, an attested copy of this resolution, to the United States government."

On the 17th of August, Dr. White addressed to the Assembly the following:

" To the HONORABLE etc.,

" *Gentlemen:* Being on my way, and having but a moment to reflect, I have been at much of a loss which of your two resolutions most to respect, or which to obey; but at length have become satisfied that the first was taken most soberly, and, as it answers my purpose best, I pledge myself to adhere strictly to that. Sincerely wishing you good luck in legislating, I am, dear sirs, very respectfully yours,

"E. WHITE."

Dr. E. White accomplished nothing at Washington for himself by this mission, and was never afterwards known in Oregon politics.

During this session of the legislature, the Hudson's Bay Company yielded its financial support to the Provisional government. The American settlers had invited the company to join the organization. The matter of allegiance had been settled; but the wealth of the company would have subjected it to a greater burden of taxation than all other classes; indeed, the almost entire expense of the organization would have fallen upon the company. After considerable negotiation had taken place between leading members of the Oregon provisional government and the company's officers, the committee on apportionment of representation, on the 14th of August, addressed a communication to

(1) See "Oregon Archives," page 107

Dr. John McLoughlin, in which this interrogatory was directly propounded: "Do you think the gentlemen of the company, over which you preside, will become parties to the Articles of Compact, by the payment of taxes and in other respects complying with the laws of the Provisional government?"

To this Dr. McLoughlin and James Douglas promptly replied: "Viewing the organization as a compact of certain parties, British and American subjects residing in Oregon, to afford each other protection in person and property, to maintain the peace of the community, and prevent the commission of crime, a protection which all parties in this country feel they particularly stand in need of, as neither the British nor American governments appear at liberty to extend the jurisdiction of their laws to this part of America; and, moreover, seeing that this compact does not interfere with our duties and allegiance to our respective governments, nor with any rights of trade now enjoyed by the Hudson's Bay Company, we, the officers of the Hudson's Bay Company, consent to become parties to the Articles of Compact, provided we are called upon to pay taxes only on our sales to settlers."

This satisfactory conclusion was followed soon after by the election of Chief Factor James Douglas as District Judge for three years, and Charles Forrest, Superintendent of Cowlitz Farm, District Judge for one year. All the element of Oregon population had become an unit in favor of her system of popular government.

In the month of August, Lieutenants Warre and Vavasour of the Royal Engineers visited Fort Vancouver, having crossed overland by way of Red river and Fort Colvile. The mission of these officers was an investigation of the condition of Oregon, and of the charge that officers of the Hudson's Bay Company, particularly Dr. McLoughlin, had encouraged American settlement. "They had sold goods to American settlers cheaper than to British subjects; they had joined the Provisional government, without reserve, save the mere form of oath. They were accessory to the appropriation of the territory by the American settlers." Such was the arraignment of Dr. McLoughlin at that time. In an autobiographical memoranda, published at a later date, he repels those insinuations of treachery to his country and the company. Says he:

"By British demagogues I have been represented as a traitor. For what? Because I acted as a Christian,—saved American citizens, men, women and children, from the Indian tomahawk, and enabled them to make farms to support their families. American demagogues have been base enough to assert that I had caused American citizens to be massacred by savages. I, who saved all I could." * * * * "I felt it my bounden duty, as a Christian, to act as I did, and which I think averted the evil (a disturbance here which might have led to a war between Great Britain and the States), and which was so displeasing to some English demagogues, that they represented me to the British government as a person so partial to American interests as to sell the Hudson's Bay Company's goods, in my charge, cheaper to Americans than I did to British subjects. On the other hand, though, if the American immigrants had been my brothers and sisters, I could not have done more for them; yet, after acting as I have, spending my means and doing my utmost to settle the country, my claim (Oregon City) is reserved, while every other settler get his (1). To be brief: I founded this settlement, and prevented a war between the United States and Great Britain; and, for doing this peaceably and quietly, I was treated by the British in such a manner, that from self-respect I resigned my situation in the Hudson's Bay Company's service, by which I sacrificed $12,000 per annum; and the Oregon Land Bill shows the treatment I received from the Americans."

(1) Donation Act, September 27, 1850.

To exhibit the shades of politics manifested, as the time approached for the settlement of the boundary, it may well be remembered that, at that identical time the Hudson's Bay Company officials gave in their assent to the "Articles of Compact," when they had consented to join the Americans in the maintenance of the Provisional government, a resolution was introduced in the legislature, "That no person belonging to the Hudson's Bay Company, or in their service, shall ever be considered as a citizen of the government of Oregon, nor have the right of suffrage or elective franchise." This was rejected. Late in December, the legislature adjourned. Its last act was a peace offering, being the passage of the resolution, "That one of the principal objects contemplated in the formation of the Provisional government was the promotion of peace and happiness among ourselves, and the friendly relations which have, and ever ought to, exist between the people of the United States and Great Britain; and any measure of this house calculated to defeat the same is in direct violation of the true intention for which it was formed."

At the time of the loss of the United States ship *Peacock* (1841), Captain Wilkes expressed his intention in regard to the disposition of the launch, which had been saved. In a letter to Dr. John McLoughlin, he said: "I thought I could not possibly place her to a better use than by leaving her as a pilot boat for communication with vessels off the dangerous bar of this river, and to afford relief, by giving pilots and assistance to those that are coming in, or in cases of accidents." * * * * "I will now state in a few words the charge I wish the honorable Hudson's Bay Company to assume, viz.: That the launch be kept at Fort George (Astoria) under the special charge of the agent of the Hudson's Bay Company, for the sole purpose of affording aid and relief to all vessels requiring assistance of any kind, and to furnish pilots for entering the river, until called for by some person, authorized by me or the government of the United States, to receive her" (1).

In the Oregon House of Representatives, August 11, 1845, a resolution was passed appointing a committee of three to wait on Chief Factor McLoughlin, to inquire whether "the launch boat left in his possession by Lieutenant Wilkes can be given to the government: *Provided*, this government becomes responsible for the safe-keeping and delivery of said boat to order of Lieutenant Wilkes, or the United States government, when properly demanded" (2). Dr. McLoughlin courteously answered, referring to the special instructions intrusting him with the custody of the launch.

The legislature, not satisfied with this appropriate answer, upon the 19th of December, 1845, passed an act "authorizing the governor to take charge of, refit and employ the launch in accordance with the conditions of Lieutenant Wilkes." Governor Abernethy addressed Dr. McLoughlin, inclosing a copy of the legislative fiat. Dr. McLoughlin persisted in obeying the language of the trust he had accepted. Surely the Provisional government of Oregon could not claim to be the United States government, nor its accredited representative. The matter became embarrassing to both parties; neither could well recede from the position taken. The matter was ultimately settled by Dr. McLoughlin turning the boat over to Lieutenant Neil M. Howison, United States Navy, who visited Oregon in command of the United States schooner *Shark*. That officer sold the launch to an Astoria pilot to be used as a pilot boat.

At the December session, a law was enacted relating to the currency. It made "gold and silver, treasury drafts, accepted orders on solvent merchants, and good, merchantable

(1) See "United States Exploring Expedition" (Wilkes), Volume V, page 520.
(2) "Oregon Archives," pages 147, 150, 151.

wheat at market price, delivered at a customary depot for wheat, *lawful tender* for the payment of taxes, judgments rendered in the courts, and for all debts contracted in the territory where no special contract had been made to the contrary." By a supplementary act, those paying taxes in wheat were required to deliver the same at the warehouse or place designated for the county or district, which had been declared depots for receiving public revenue. The person in charge was authorized to give a receipt, stating the amount which should be placed to the credit of the treasurer of the respective counties.

Lewis and Polk counties were established at this session of the legislature. The immigration of 1845 far exceeded in number any of its predecessors. It was estimated at three thousand. Two trains left Independence, one commanded by Welch, with Joel Palmer and Samuel K. Barlow, the other by Samuel Hancock, who settled on Whidby Island. There were several companies that left St. Joseph. A great effort was made at Fort Hall to turn this immigration towards California; and about one-third of the immigrants followed William B. Ide, guided by the trapper Greenwood. When the Oregon trains had reached Fort Boise, Stephen H. Meek volunteered to show a shorter and more practicable route across the Blue and Cascade Ranges of mountains.

Meek had never traversed the country. While he had been a trapper in the vicinity, he had heard others speak of such a pass. It was well known that Southeastern Oregon was less mountainous than the northern region; and Meek assumed from such physical feature that a more feasible route could there be found; that a lower and better pass through the Cascade Mountains existed. His "guessing" having failed, the immigrants became indignant, and he was obliged to seek safety in escaping from their justly provoked wrath. The party, whom he caused to be lost in the mountains, after his desertion, with extreme difficulty and untold hardships passed down the John Day river and reached the Columbia; thence they followed the old trail to the Dalles. That party had lost a number on the way by sickness; and several more died after reaching the Dalles. On Palmer's company arriving at the Dalles, and finding there some sixty families awaiting transportation, with but two small boats available, Palmer determined on making the effort to cross the Cascade Mountains with their wagons. Barlow and Knighton had before left the Dalles. Knighton had already returned discouraged; but Barlow with seven wagons was still seeking a pass through the mountains. Palmer came up with Barlow on the 3d of October. When it became known in Oregon City that this party had left the Dalles, and were attempting to cross the Mount Hood range of the Cascade Mountains into the Willamette valley, a relief party was sent to their assistance. Palmer himself arrived at Oregon City November 1st; but full another month elapsed before the last of the party had reached the settlements. In that immigration, Oregon received valuable accessions to her population. Among the number were Joel Palmer, Tetherow, T'Vault, Avery, the Waymires, John Fleming, Staats and Dr. Ralph Wilcox. The number of American occupants thereafter vastly preponderated over the British representatives.

The British ship *Modeste* was anchored in the Columbia off Fort Vancouver all winter (1844–6); and her officers exerted their best efforts in extending hospitalities alike to British and American residents. But the popularity of her officers, and their amenities, failed to reconcile American settlers to her presence. By many, that presence was regarded as a standing menace; and not a few declined participancy in those mutual entertainments which grew out of her visit to the Columbia river.



ROBERT WINGATE,

TACOMA, W. T.

On the 5th of February, 1846, at Oregon City, was issued the first number of the first newspaper published on the west side of the Rocky Mountains. It was named the *Oregon Spectator*, and was edited by William G. T'Vault, of the immigration of '45. Its proprietors were a company of gentlemen organized under the name of the "Oregon Printing Association." Its avowed objects were: "To promote science, temperance, morality and general intelligence; to establish a printing press; to publish a newspaper." T'Vault was President, J. W. Nesmith Vice-President, Governor Abernethy Treasurer, and John P. Brooks Secretary. Its Board of Trustees were Robert Newell, John H. Couch and John E. Long. T'Vault did not long continue editor. He was succeeded by H. A. G. Lee, who shortly gave place to George L. Curry.

The condition of affairs in the spring of 1846, the presence of the *Modeste* at Vancouver, and of the frigate *Fisgard* at Fort Nisqually, stimulated the American settlers to form a company of mounted riflemen, which was called the "Oregon Rangers," of which Charles Bennett was elected captain. The proceedings at the seat of the national government leading to the treaty of June 15, 1846, have been fully detailed. While the news from the East, heard only at irregular intervals, was usually of a pacific nature, still the anxiety of the American settlers was kept alive, although their solicitudes and doubts were not demoralizing, nor did they tend to discourage active pursuits of every-day life. All were actively engaged in preparing their new homes, as though all international disputes had been adjusted. Full of patriotic ardor, and stimulated by their British surroundings, they selected Salem as the place for the first Fourth of July commemoration in the Willamette valley. It was a grand demonstration. Peter H. Burnett was the orator. Guns were fired. Toasts were followed by patriotic speeches; and a grand ball closed the festivities.

Early in this year (1846), Commodore Sloat, commanding the Pacific squadron, U. S. Navy, had issued an order for the U. S. schooner *Shark*, Lieutenant Neil M. Howison (1), "to make an examination of the coast, harbors, rivers, soil, productions, climate and population of the territory of Oregon." The *Shark* arrived at the mouth of the Columbia river July 15th. Just inside of Cape Disappointment was met the boat containing the Rev. Mr. Spalding, Wm. H. Gray and General A. L. Lovejoy, then mayor of Oregon City. By them, Lieutenant Howison was informed that a colored man, then residing at the cape, claimed to be a pilot. His services were obtained; but he ran the *Shark* ashore on Chinook shoal. The three Oregonians, blaming themselves for this accident, went ashore and procured the services of Mr. Lattee, former mate of one of the Hudson's Bay Company's vessels, then in charge at Astoria. On the 19th, the *Shark* anchored off Astoria. On the 24th, she reached Fort Vancouver, finding H. B. M. sloop-of-war *Modeste*, Captain Baillie, and two barks and a ship belonging to the company.

Lieutenant Howison remarks: "At this time we had not heard of the settlement of the boundary question, and intense excitement prevailed among all classes of residents on this important subject. I enjoined it by letter on the officers under my command to refrain from engaging in arguments touching the ownership of the soil, as it was our duty rather to allay than increase excitement on a question which no power hereabouts can settle. Besides the sloop-of-war *Modeste*, anchored in the river, the British government kept the frigate *Fisgard* in Puget Sound, and the strongly armed steamer *Cormorant* in the Sound and about Vancouver Island. These unusual demonstrations produced

(1) Report of Lieutenant Howison, U. S. Navy, House of Representatives, thirtieth Congress, first session. Miscellaneous Documents, No. 29.

anything but a tranquilizing effect upon the American portion of the population; and the presence of the British flag was a constant source of irritation.

"The English officers used every gentlemanly caution to reconcile our countrymen to their presence, but no really good feeling existed. Indeed, there never could be congeniality between persons so entirely dissimilar as an American frontiersman and a British naval officer. But the officers, never to my knowledge, had to complain of rude treatment. The English residents calculated with great certainty upon the river being adopted as the future dividing line, and looked with jealousy upon the American advance into the northern portion of the territory, which had some influence in restraining emigration."

The *Shark* continued at Fort Vancouver till the 23d of August, Lieutenant Howison's instructions being to leave the mouth of the river by the first of September. The *Shark* was detained till the 8th of September in reaching Baker's Bay. The 9th was devoted to an examination of the bar of the river. On the afternoon of the 10th, in attempting to get out, she was totally wrecked. The officers and crew of the *Shark* reached San Francisco on the 27th of the ensuing January, having chartered the Hudson's Bay Company's schooner *Cadboro*. Before leaving for San Francisco, Captain Howison presented to the Provisional government the stand of colors which had been preserved from the wreck of the ill-fated *Shark*. In his neat and appropriate letter to Governor Abernethy, he said:

"To display this national emblem, and cheer our citizens in this distant territory by its presence, was a principal object of the *Shark's* visit to the Columbia; and it appears to me, therefore, highly proper that it should henceforth remain with you, as a memento of parental regard from the general government. With the fullest confidence that it will be received and duly appreciated as such by our countrymen here, I do myself the honor of transmitting the flags (an ensign and union jack) to your address; nor can I omit the occasion to express my gratification and pride that this relic of my late command should be emphatically the first United States flag to wave over the undisputed and purely American territory of Oregon."

Governor Abernethy gracefully and gratefully received the colors in behalf of the American settlers of Oregon, and responded: "We will fling it to the breeze on every suitable occasion, and rejoice under the emblem of our country's glory, sincerely hoping that the 'star-spangled banner' may ever wave over this portion of the United States."

The treaty of June 15, 1846, between the United States and Great Britain, restricting the American Oregon to the territory south of the forty-ninth parallel of north latitude, had now become known in the territory. Disappointed, not to say humiliated, by the surrender of so much territory, yet proudly and joyfully, the American settlers hailed the prospect of being recognized as American citizens, entitled to share the protection and blessings of that Union they loved so well;—jubilant that their highest hopes were soon to be realized; that the United States would extend its protecting *ægis* over them; and that their homes would be within the recognized Republic of the United States of America, and they citizens of one of its political divisions.

Upon the receipt of the news that the United States government had given to Great Britain the twelve months' notice of the abrogation of the Joint-Occupancy Treaty of 1827 (although advices of the ratification of the Treaty of Limits of June 15, 1846, had not reached Oregon), politics became the order of the day. "The wish was father to the thought" that tidings would be received that Oregon had been organized as a territorial

government. Such a condition of affairs would require officers to administer such government. It was the expectation of all that the national government would proceed to confirm the land grants to actual settlers, in accordance with the spirit of the proposed legislation which had encouraged immigration and settlement. These interests, weighty to every settler, impelled the belief that the presence in Washington City of a delegate was required, one who was accredited by the people, who enjoyed the popular confidence. To secure the attention of the government, to hasten legislation, to give information to shape and mold it, were matters of public concern.

In the fall, county meetings were held, out of which emanated district conventions. There proved, however, too many causes of local jealousy to harmonize on a choice for representative. No delegate could be agreed upon, nor could anything more be accomplished than a mere expression of diverse views entertained as to land claims, and a policy to be pursued. In the meantime, the legislature convened. It memorialized Congress. Time passed, and another election (1847) transpired. George Abernethy was re-elected governor. He beat his competitor, General A. L. Lovejoy, but a few votes. In fact, the result was so close as to require settlement by the official returns. The Willamette valley had given Lovejoy a majority; and the trifling majority was overcome by a small majority which Abernethy received north of the Columbia. In the fall, a convention was called at Lafayette for the purpose of memorializing the President to appoint Oregon settlers to territorial offices.

Again personal bickerings defeated the scheme. By that convention, however, a committee, consisting of Judge Burnett, George L. Curry and L. A. Rice, were appointed to draft a memorial to Congress upon the needs of Oregon. That memorial was an able and temperate protest against further neglect of the territory. It set forth the claims of the settlers to consideration. It portrayed the resources and importance of the territory, its poverty of appliances to repress crime and to protect property. Again the settlers asked that the title to the lands earned by them might be quieted, and concluded: "We think we merit the respectful consideration of our government. It is with our country whether she will hear us or not."

That convention did not attempt to reconcile the conflicting claims of the men who were named as proper persons from whom to select the bearer of this memorial to the seat of government, and urge its consideration upon the Executive Department and Congress. But Governor Abernethy selected J. Quinn Thornton as a delegate. That gentleman sailed upon the bark *Whiton*, the vessel by which the memorial was also transmitted to Washington. Thornton asserts that he was sent as a delegate by the Provisional government; that he was appointed by Governor Abernethy; that his expenses were borne by the Oregon Methodist missionaries; and that he also was requested to act by Dr. Marcus Whitman, who at that time anticipated an Indian outbreak in the interior.

Certain sections of the treaty of June 15, 1846 (vague and uncertain rumors of which had by this time reached the territory), which were represented as confirming to British subjects in possession such possessory rights as had been acquired, might defeat certain claims by missionaries, notably the Oregon City claim. Ostensibly to look after those interests, and to forestall favorable action on the people's memorial, J. Quinn Thornton sailed on the 10th of November, as a delegate to Washington City. He found at San José, California, the sloop-of-war *Portsmouth*, and on her secured passage, arriving at Boston May 5, 1848.

In the Oregon legislature of December, 1847–8, Mr. Nesmith introduced a resolution remonstrating against the appointment of Judge Thornton to any office in the territory. This was adopted, then reconsidered, and, by the Speaker's casting vote, ultimately defeated. What Delegate Thornton claims to have accomplished has become familiar to all Oregon settlers, by the full reports of his expedition as related by himself (1).

In 1847, the immigration to Oregon numbered between four and five thousand. The principal event of this year was the Whitman massacre. It was so thoroughly interwoven with the history of the missions of the American Board of Commissioners of Foreign Missions as to render its narration necessary in the chapter detailing the history of those missions. As a consequence of the horror at Waiilatpu,—the murder of Dr. Whitman and wife, and the innocent inmates of the Whitman Mission, by the perfidious Cayuses,—the Provisional government organized a force of volunteers to punish the murderers, or to chastise the tribe if it refused to surrender them. Such was the sole cause of the Cayuse war.

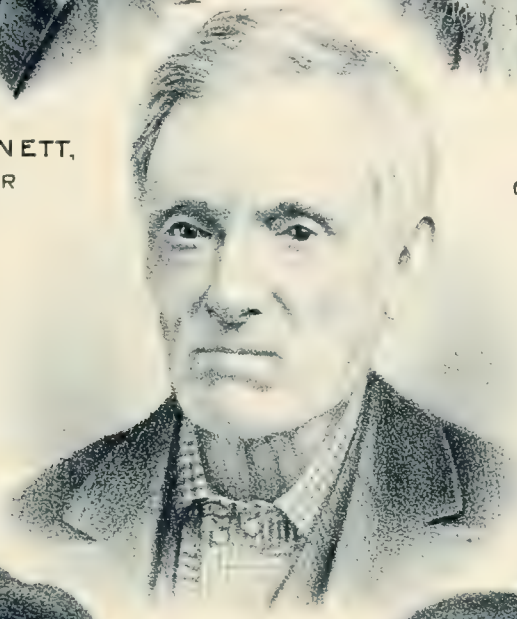
(1) Thornton's "History of California and Oregon." Thornton's "History of the Provisional Government," in "Transactions of Oregon Pioneers," 1874.



HON. JOHN BURNETT,
CORVALLIS, OR



G. B. SMITH,
CORVALLIS, OR.



CAPT. LEVI SCOTT,
CRESWELL, OR.



SIDNEY W. MOSS,
OREGON CITY, OR.



CAPT. JAMES P. GOODALL,
JACKSON COUNTY, OR

Chapter XXXIII.

(1847–1848.)

Governor Abernethy's Message — Resolutions to Raise a Company of Mounted Riflemen for Immediate Service at Dalles — Citizens' Meeting — First Company Enrolled — Legislature Authorizes Raising a Regiment — Gilliam Elected Colonel; Other Officers — Efforts to Procure a Loan — Joel Palmer Appointed Superintendent of Indian Affairs — Peace Commission Appointed — Arrival of the Rescued Captives — Whitman Massacre — Skirmish with Hostiles near Dalles — Advance of Colonel Gilliam with Troops — Fight at the Steve Meek Cut-off — Gilliam Marches for Waiilatpu — His Campaign on the Touchet — Victory Over the Palouses — Death of Colonel Gilliam — Maxon in Command — Appeal for Provisions and Reinforcements — Lee Appointed Colonel by the Governor, and also Superintendent of Indian Affairs — Lee Generously Gives Place to Lieutenant-Colonel Waters, Who Is Promoted to Colonelcy — Lee Accepts Commission as Lieutenant-Colonel — March into Nez Perce Country — Close of Campaign — Battle of the Abiqua.

THE shocking barbarity of the Cayuses in the murder of the inmates of the Whitman Mission at Waiilatpu, and the prompt rescue of the surviving captives by Chief Factor Peter Skeen Ogden of the Hudson's Bay Company, have been narrated as the tragic close of the history of the Protestant missions of the interior. While Governor Ogden was on that mission of mercy to the hostile camps, to redeem the captives from the murderous and lecherous Cayuses, the Oregon Provisional government had inaugurated war against the perfidious murderers and their confederates in crime. On the 8th of December, 1847, Governor Abernethy thus addressed the assembled legislature of Oregon:

"It is my painful duty to lay the inclosed communications before your honorable body (1). They will give you the particulars of the horrible massacre committed by the Cayuse Indians on the residents of Waiilatpu. This is one of the most distressing circumstances that has occurred in our territory, and one that calls for immediate and prompt action. I am aware that, to meet this case, funds will be required, and suggest the propriety of applying to the honorable Hudson's Bay Company and the merchants of this place (Oregon City) for a loan to carry out whatever plan you may fix upon. I have no doubt but the expenses of this affair will be promptly met by the United States government."

On the reception of this message, upon motion of J. W. Nesmith, a resolution was unanimously passed, "authorizing the governor to raise a company of riflemen, not to exceed fifty men, rank and file, and to dispatch them forthwith to occupy the Mission

(1) Letter December 4, 1847, of James Douglas, Chief Factor Hudson's Bay Company at Fort Vancouver inclosing letter of Chief Trader McBean, Fort Walla Walla dated November 30, 1847. Letter of Alanson Hinman, Dalles, to Governor Abernethy asking for protection of that station. See *Oregon Spectator*, Vol. XI, No. 23.

Station at the Dalles, and retain said station until they can be reinforced, or other measures be taken by the government." Messrs. Nesmith, Reece and Crawford were appointed a committee to advise the governor of the passage of said resolution.

Upon Governor Abernethy's call, a citizens' meeting was held that evening, which was addressed by Messrs. Nesmith, S. K. Barlow and H. A. G. Lee. Forty-five volunteers were enrolled on the spot. They assembled next day at the house of S. K. Barlow, and elected their officers; immediately thereafter they started for the Dalles (1). On the 9th of December, the House passed a bill authorizing the governor to issue a proclamation for a regiment of volunteer mounted riflemen, not to exceed five hundred men, to be subject to the rules and articles of war of the United States army, and to serve for ten months, unless sooner discharged. Oregon City, December 25th, was designated as the rendezvous. The regimental officers were to be elected by the legislature. The companies were to number not more than one hundred nor less than fifty, and elect their own officers.

Jesse Applegate, George L. Curry and A. L. Lovejoy were constituted a commission to negotiate a loan of $100,000 upon the credit of the territory, unless the debt should be discharged by the United States. The governor issued a proclamation calling for one hundred men. Later, he acted as the law had commanded, by calling for a regiment. The legislature elected Cornelius Gilliam, Colonel; James Waters, Lieutenant-Colonel; Henry A. G. Lee, Major; and Joel Palmer, Commissary and Quartermaster-General. Later in the session, A. L. Lovejoy was elected Adjutant-General. Joseph L. Meek was selected special messenger to Washington City, to urge upon the United States government the necessity of its assuming control of affairs. He carried a memorial couched in language of burning reproof of that neglect which the American settlers had experienced.

The Loan Commission, on applying at Fort Vancouver, were denied a money loan, in consequence of peremptory orders from London to the officers in charge, "not to deal in government securities." Governor Douglas, in the most positive terms, expressed the cordial sympathy with the government "in its efforts to prevent further aggression, and to rescue from the hands of the Indians the women and children who survived the massacre." He promptly furnished those necessaries required to equip the first company, and place it in the field, accepting the personal security of Governor Abernethy and two of the Loan Commissioners (Applegate and Lovejoy). From the Oregon City merchants, loans amounting to $3,600 had been secured. Further efforts proved useless. Discouraged, the commissioners resigned; and a new Board succeeded, consisting of Lovejoy, Hugh Burns, and W. H. Willson. They met with no better success. For subscriptions, they were forced to take orders upon stores, and, in many instances, to realize cash, were obliged to heavily discount subscriptions. To make up the deficiency, and to supply the sinews of war, the volunteers and citizens furnished much from their private resources, either giving it outright, or, where the quantity warranted, taking a receipt or scrip for property furnished.

Jesse Applegate was dispatched overland to California to solicit aid from Governor Mason, the military governor of California. After a laborious effort to cross the mountains, he was compelled to abandon the journey; and the dispatches, of which he was bearer, were forwarded by sea; but no aid came from any quarter. Alone, neglected, impoverished, Oregon, without a revenue, had no alternative. She was compelled to, and did successfully, wage that war. Colonel Gilliam, indignant at the refusal of the Hudson's Bay Company to furnish the loan, was reported to have threatened that he

(1) See roll of first company of the Oregon Rifles, together with the other company rolls, at the end of this chapter.

would supply himself and his little army at Fort Vancouver, and give a receipt for the property as evidence of a claim against the government. Douglas, having heard such rumor, mounted guns upon the bastions, and then addressed a letter to Governor Abernethy in regard to the reported threat. Governor Abernethy disavowed the act, and denied that such threat had been made, or that such intention existed. The *status quo* was restored, and good feeling between the executive and the Hudson's Bay Company's officers once more prevailed.

Joel Palmer had been also appointed Superintendent of Indian Affairs. A peace commission had been constituted by associating with him Major H. A. G. Lee and Robert Newell. Its purpose was to accompany the troops to the hostile country, from thence to visit the Nez Perces and other interior tribes, and to defeat, if possible, a combination of other tribes with the Cayuses. On Christmas night, the first company reached the Dalles. On the 13th, Lee had met Alanson Hinman, with his family, and Perrin Whitman, *en route* to the Willamette. Hinman's family continued on to the Cascades, whilst Hinman himself returned to the Dalles with the troops.

The Wasco Indians had continued friendly; nor had the property about the station been molested; but the immigrants' property, deposited at Barlow's Gate in the Cascade Mountains, had been stolen. On the 8th of January, 1848, the day fixed by the second proclamation for the companies to rendezvous at Portland, Governor Ogden, with the Waiilatpu captives rescued by him, arrived at Fort Vancouver. On the 9th, they reached Oregon City. The cordial reception of the captives and their deliverers, the correspondence between the officials, and the general joy, all bear witness to the grateful thanks of the American people of neglected Oregon to good old Peter Skeen Ogden for his humanity. He had proved himself "the friend in need, the friend indeed." Oregon's journal eloquently voiced the American sentiment: "The act of rescuing so many defenseless women and children from the bloody and cruel grasp of savages merits, and, we believe, receives, the universal thanks and gratitude of the people of Oregon. Such an act is the legitimate offspring of a noble, generous and manly heart."

The rescue had been sagaciously and promptly accomplished before the hostiles could be advised of the preparations by the Americans for the punishment of the murderers. Governor Ogden knew Indian character so well that he feared, if the Cayuses learned of threatened hostilities, they would excuse themselves for retaining their captives, or that they might proceed to extremities, and murder the survivors, who were their prisoners. To save those unfortunates, he called to his aid all the moral influence of the company and his own great prestige with the Indians, and used the company's property for the ransom. Their arrival in the Willamette settlements was not only a source of unalloyed joy, but greatly rekindled the war feeling. Colonel Gilliam (1) with an advance party of fifty men, on the 9th, set out for the Dalles, which station he reached on the 24th. Passing up the Columbia, at the portage of the Cascades, a supply station was established called Fort Gilliam. The stockade erected at the Dalles was called Fort Lee. It was the army headquarters; and here was mounted one nine-pounder, the only piece of artillery belonging to the Oregon Provisional government.

Before Gilliam's arrival, several skirmishes with the Indians had occurred. The hostiles had been discovered in the act of herding the immigrants' cattle, preparatory to driving them off. Major Lee, with several men, approached to warn them off, and were fired upon. A fight of several hours followed, in which three Indians were killed and one

(1) The names of the volunteers who served in the Cayuse war will be found at the end of this chapter.

wounded. The Indians succeeded in driving off about three hundred head of stock. In this affair, Sergeant William Berry was severely wounded. The next day sixty Indian horses were captured. It was the custom, daily, to drive to pasture on a hill about three miles southeast of the fort the horses, numbering about fifty head, belonging to the command. Ten men formed the horse guard. The hostiles placed two horses on a hill at a short distance to decoy the guards. The men watched those two horses for several hours, believing them to be strays. No Indians being in sight, two of the youngest volunteers, Pugh (1) and Jackson, descended the hill to secure the horses, and were fired upon by the hostiles and both mortally wounded. They fought bravely, killing one Indian. The savages escaped, carrying off their dead and leaving Pugh and Jackson dead upon the field. On the arrival of Colonel Gilliam at Fort Lee, with a party of 130 men, he marched up the east side of the Des Chutes, putting to flight a number of war parties, who would fire and run. The hostiles made a stand near the crossing of the river on the "Steve Meek Cut-off," as it was called. As the troops passed down a deep ravine, the Indians fired upon them from the bluff. Two companies were ordered to dismount, charge up the hill, and dislodge them. The summit gained, scattering boulders afforded shelter for the Indians; but the troops quickly dislodged them, and killed several of their number. Antoine, a Spaniard, was here seriously wounded, the only casualty on the side of the troops. The Indians fled to their village, some two miles distant, keeping up a running fire. On the troops reaching their village, they found that ponies had been packed, ready to move, and that they had struck camp and left. The troops, being dismounted, could not profitably pursue them beyond the village. Caches were found containing ten bushels of peas, the same quantity of clean wheat, eight bushels of potatoes, dried berries, tons of dried salmon and sturgeon, besides some ladies' shoes, dresses and a clock which were recognized as having been stolen from the wagons left, in the fall of '47, by Lot Whitcomb in the Cascades. Property which could not be carried away was burned.

Arriving near the Des Chutes river, the troops camped for the night. Strong guards were set and the fires all extinguished. At about midnight, Alexander McDonald went beyond the lines to secure a horse, supposed by him to be a stray, and was mistaken by the sentry for an Indian, who shot and mortally wounded him. He died about sundown the next day. All hostilities having disappeared from the vicinity of the Dalles, Colonel Gilliam prepared to march into the Cayuse country.

Governor Abernethy was extremely solicitous that the peace commission should reach the Dalles before Gilliam's advance. The commissioners arrived at the Dalles on the 10th of February with the companies commanded by Captains English and Thomas McKay, with the cannon designed for defensive operations at the front. The commissioners were to have preceded Gilliam's march, and the 14th had been fixed as the day for their start. On the 13th, news was received that a combination had been effected between several of the eastern tribes. This report determined Gilliam to advance with three hundred men the next morning to Waiilatpu. Captain Williams, with twenty-seven men, was left in charge of Fort Lee. Several officers and men, dissatisfied at being left at Fort Lee, and therefore not permitted to fight the Indians, returned from the Dalles to Willamette valley. The men were illy provided with necessary stores; but the spirit of the command was good. On the 18th, at the crossing of the John Day river, it was apparent that Indians had camped there the previous night. Major Lee advanced, but returned at midnight, without overhauling the hostiles. On entering the hostile Cayuse country,

(1) Statement of Captain J. H. McMillan, *Oregonian* April 1, 1885.



WM MUNKS,
FIDALGO, W.T.

Indians could be seen moving with their camps and stock towards the Blue Mountains. On the 23d, thirteen Des Chutes came in, requesting a council for their people. Their request could not be granted, but they were sent back to the Dalles, there to await the return of the commission.

Colonel Gilliam crossed the Umatilla on the 26th, and advanced to within three miles of the Cayuse camp, where he remained during the forenoon of the 27th. Along the hills, Indians appeared in great numbers, the main body indicating signs of hostility. From those who came into the camp, the commissioners learned that the messenger sent to notify the Nez Perces to assemble and meet with them had been sent back by hostile Cayuses. Another messenger was therefore sent. Great faith had been placed in the forwarding of letters to prominent men of the Nez Perces and other tribes, asserting the desire for continued peace, and dissuading them from entering the hostile combination. That scheme proved useless; but the commissioners, in perfect good faith, had awaited the result. Colonel Gilliam, impatient at the delay and its consequences, had afforded every opportunity for the peace plan to have accomplished its purpose. On the 27th, Gilliam moved to the Columbia, the Indians having all dissappeared through the night. To him it was plain that such movement signified no council by them. It meant defiance; it meant continued war. On the night of the 28th, Gilliam camped near Fort Walla Walla. The next day he moved six miles up the Walla Walla river, camping close to the camp of Peu-peu-mox-mox, who professed friendship, and supplied the little army with beef.

On the 2d of March, the troops camped at Whitman's mission. Gilliam there witnessed the evidences of havoc of the memorable 29th of November, '47, and the desolation of that cruel and unprovoked massacre of our people. On the next day, he sent a detachment of one hundred men to escort government messenger Joseph L. Meek and his little party beyond the hostile lines. He then set about constructing an adobe fort, which he called Fort Waters.

Impatient, and, as he regarded it, handicapped by the presence of the Peace Commission, which to him seemed to have no other practical purpose than to afford time for the guilty Cayuses to escape chastisement, he waited till the 9th, when he began moving towards the Cayuse camp. The Cayuses had disappointed the expectations of the commission by refusing to surrender Tau-i-tau and Tamsuky. Colonel Gilliam proposed to release five of the murderers if the Indians would deliver Joe Lewis to him. The commissioners having refused their consent to such proposal, withdrew from the council. Upon the next day they accompanied Captain English to Waiilatpu, from whence they returned to Oregon City.

Colonel Gilliam, with 158 men, at once marched for Snake river. On the 11th, three Indians bearing a flag returned some horses which had been stolen from the troops on the march to Waiilatpu. Those Indians reported that Sticcas had captured Joe Lewis, and was bringing him to Colonel Gilliam; that he had been rescued, and that the property of the hostiles, which Sticcas was bringing to Colonel Gilliam, had been retaken by the Indians. These reports led Colonel Gilliam to doubt the good faith of Sticcas. The troops camped upon the Tucanon. On the 13th, a message was received from Tau-i-tau, expressing a desire to desert the hostile Cayuses. He gave the information that Tamsuky had gone to Red Wolf's camp, on Snake river, and that Telau-ka-ikt, with the rest of the Cayuses, had fled down the Tucanon, with the intention of crossing Snake river into the Palouse country. After dark, Colonel Gilliam mounted his men, and marched for the Indian camp at the mouth of the Tucanon, which was reached before daybreak. When light enough

to advance, an old Indian approached and informed Colonel Gilliam that it was Peu-peu-mox-mox's camp, but that the stock feeding upon the surrounding hills belonged to hostile Cayuses. Having reached the summit of the bluff where the cattle grazed, the cattle were seen swimming across Snake river. Nothing then remained but to collect the horses, about five hundred head, and with them return to the Touchet.

Having advanced a mile on their return, the troops were attacked in the rear by four hundred Indians, mostly Palouses. A running fight was kept up all day. At night, Colonel Gilliam's troops camped several miles from the Touchet, upon a little stream, without food or fire, the Indians harrassing them during the whole of the night by shooting into the camp. The stock was turned loose, but that did not tempt the Indians to leave. In the morning, the hostiles were still surrounding the troops. A running fire was renewed and continued until within two miles of the Touchet crossing, at which time the Indians, who were in the rear, attempted to dash by Colonel Gilliam's force to reach the crossing first. The fight was desperate; and the Oregon troops were over an hour in crossing the river. The volunteers, though greatly outnumbered, were victorious. Their loss was ten wounded. The Indian loss was four killed and fourteen wounded. The Indians made no further attempt to cross the river, nor to follow the troops. On the 16th, Colonel Gilliam's command reached Fort Waters. Recent occurrences had satisfactorily demonstrated that, while the Nez Perces, Walla Wallas and Yakimas would not openly and actively join the Cayuses, still the latter had pronounced allies in the Palouses, reinforced by renegades from the several tribes surrounding the Palouse country.

On the 18th, Colonel Gilliam held a council of war. It was determined that, with one hundred and sixty men, he should return to the Dalles, and escort a supply train to Fort Waters, leaving the fort, during his absence, in command of Lieutenant-Colonel Waters. The companies of Captains Maxon and McKay, on the 20th, set out for the Dalles with wagons for the transportation of return supplies. They had crossed the Umatilla and gone into camp. Colonel Gilliam was drawing from the wagon a rope to tether his horse, which caught on the trigger of a gun; and the load was discharged into his body, instantly killing him. Thus, by an ignoble accident, was sacrificed the life of the idol of the Oregon troops, a zealous, impetuous soldier, a natural-born leader, a brave and thorough patriot, a generous friend, a good citizen.

The command of the party devolved upon Captain Maxon. That officer made a report to the governor, and citizens of the Willamette valley, of the condition of affairs in the upper country, which was a distressing exhibit. For Waters was represented as a mere adobe inclosure a few feet high. Its garrison was destitute of clothing and other necessaries, the horses worn out. Of the animals recently captured, many had been claimed by and been returned to friendly Indians; that the terms of enlistment of many of the troops were about expiring; that one hundred and fifty men were at Fort Waters, without bread, and with their ammunition nearly exhausted. At Fort Lee, the condition was but little better, fifty men being without supplies.

Captain Maxon pathetically appealed for bread, clothing, for the very necessities of life for the suffering soldiery, and that supplies be hastened forward to the Dalles. Maxon's report created an excitement throughout the settlements. The women organized themselves into societies to labor for the support of the little army. The governor called by proclamation for three hundred recruits. Meetings were held throughout the Willamette valley; and, in response, two hundred and fifty volunteers enlisted. Before those recruits were ready to take the field, Colonel Waters advised the governor by letter

that Peu-peu-mox-mox had become hostile, his cause of complaint being the act of the legislature prohibiting sales of ammunition to Indians. That haughty Walla Walla chief had insolently demanded immunity from that law, and threatened to join the hostile combination. Sixty lodges, with three hundred warriors of the Walla Walla nation, were camped near Fort Walla Walla. Other Indian news was unfavorable. Tamsuky, Joe Lewis, and the sons of Telau-ka-ikt, were fleeing to Fort Hall. Sticcas and Tau-i-tau had retired to the mountains, determined to remain there till the war was over. The Cayuses, Palouses and renegade Nez Perces had resolved to make one more stand, before leaving the country to hunt buffalo. The news from the Dalles was more encouraging. Prominent men of the Yakima nation had visited Fort Lee, and had given assurances that the Cayuses had threatened them with war, but that neither they nor the Spokanes would join the hostiles. In those expressions of peaceable intention, the Yakimas had doubtless expected to be able to have secured ammunition. Instead of ammunition, however, they were presented with a plow; and, as they left, they pretended to be satisfied.

On the death of Colonel Gilliam, Governor Abernethy commissioned Major Lee as Colonel, overslaughing Lieutenant-Colonel Waters. Lieutenant Magone was promoted to the majority made vacant by Lee's promotion. General Palmer having retired from the Indian superintendency, Lee was appointed to that office. Colonel Lee, on commencing his new career, had a disagreement with Captain W. J. Martin, whose company had been numbered ten, Captain Martin claiming it should have rightfully been numbered nine. The colonel adhering to his view, Captain Martin and his two lieutenants, with twelve privates, returned from Fort Lee to Portland.

The new war policy, agreed upon by the governor and Colonel Lee, superintendent of Indian affairs, was: "Notice should be given to the Indians, that, after the expiration of such time as was named therein, any Indian found armed in the hostile country should be treated as an enemy." The new superintendent, on his way to Waiilatpu, at the John Day river, met an express from the Nez Perces, asking for a council. This hastened Colonel Lee's movements; and he reached Waiilatpu on the 9th of May. Tau-i-tau, Sticcas, Camaspelo, and other Cayuse chiefs, had returned to the Umatilla. They professed to be friendly; but the presence of great numbers of stock in the vicinity impelled the belief, that those Indians were really taking care of the stock of the murderers who had fled the country.

Affairs having been satisfactorily settled with the Nez Perces, who still refused to join with the Cayuses, Colonel Lee proceeded to hold a council at Umatilla with the Walla Wallas and those Cayuses who were not in the hostile combination. The arrival of reinforcements and a supply of ammunition at Fort Waters had had a salutary effect on the Indians. Says Colonel Waters: "The friendship of the Indians increases with our numbers." Peu-peu-mox-mox had renewed his professions of friendship for the Whites; but he had placed himself in a dilemma. Telau-ka-ikt was in the Palouse country. The attempt by Peu-peu-mox-mox to give up the murderers would necessitate war between the Palouses and the Walla Wallas. To have refused to make the attempt to secure and return the murderers to the Americans was but to invite hostilities, by the latter, against the Walla Wallas. Both Peu-peu-mox-mox and Tau-i-tau were, however, equal to the emergency. They made all the promises which the superintendent required, regardless of their inability to make good such promises.

Arrived at Fort Waters, Colonel Lee, finding the men satisfied under the command of Lieutenant-Colonel Waters, magnanimously offered to resign the colonelcy in favor

of Waters. The resignations of both were forwarded to the governor. The regiment filled the vacancies by electing Waters Colonel, and Lee Lieutenant-Colonel. Preparations were at once made to invade the Nez Perce country, where it was believed the Cayuse murderers were concealed. Leaving a small force to garrison the fort, the troops, numbering four hundred and fifty, marched out, camping that night on the Coppei. The next morning, Lieutenant-Colonel Lee, with Captain Thompson and 120 men, were ordered to advance to Red Wolf's camp, at the Snake river crossing, for the purpose of cutting off the retreat of the hostiles, who were fleeing towards the mountains. Colonel Waters, with the main body, was to cross at the mouth of the Palouse river, and prevent their escape to the Columbia. Several friendly Palouse chiefs had contracted to supply canoes to ferry across the men and baggage; but, at the crossing designated, neither canoes nor Indians appeared. Major Magone, with four men, crossed the Snake river on a raft, searched the banks of the Palouse river, and at length found the Indian ferrymen. They returned with him to camp; but it was too late to cross that day. By noon of the 21st, the crossing had been effected. The march toward Lapwai was resumed, an Indian, who promised to go directly to the camp of Telau-ka-ikt, acting as guide. On the 22d, Waters received news from Missionary Eells, that the Spokanes were not harmonious in feeling, although none excused the murderers. Forty-three of the tribe, who had accompanied Mr. Eells' messenger, offered their services to bring in a number of Telau-ka-ikt's cattle. They performed that service, bringing in two Nez Perces also, who declared that Telau-ka-ikt had himself fled to the mountains, but that most of his stock was herded near Snake river.

Major Magone, with 100 men, was detached to bring in Telau-ka-ikt's property, and to capture any Indians suspected of acting with the hostiles. One suspected Indian was killed. Near the scene of the killing was a Snake camp under command of an old Indian, Beardy by name. Beardy assured Major Magone that Telau-ka-ikt had left the country. This was confirmed by Richard, who had been recently appointed by Colonel Lee head chief of the Nez Perces. Major Magone also learned that a dispatch had been forwarded from Colonel Lee at Lapwai to Colonel Waters. He thereupon collected Telau-ka-ikt's stock, and returned to the Palouse. Colonel Lee had been informed at Red Wolf's camp, that Telau-ka-ikt's band, two days before, had fled the country, carrying away everything that they owned, but that some of their stock remained near Lapwai. He went thither on the 21st, and collected the Cayuse cattle. Colonel Lee notified the Nez Perces that his presence in their country was to punish the Cayuse murderers; that if they (the Nez Perces) were friends to the Americans, they would not conceal the Cayuse's property, but would freely surrender it. To this they assented; and with their co-operation, Colonel Lee's troops drove back to Waters' camp one hundred and eighteen horses, a number of colts, and forty head of cattle. Colonel Lee was ordered to rejoin the main party, which he accomplished on the 26th.

It had become evident that nothing justified keeping a regiment in the Cayuse country. During their presence, the murderers would continue concealed. True, the property of the hostiles could be seized and confiscated; but even that was attended with unsatisfactory results. It was an Indian scheme,—so-called friendly Indians were always on hand to claim such property. A failure to return where the claim was well-founded could only tend to embitter the Indian mind. Hence this system of refusal was almost certain to create difficulties with friendly Indians, and might convert them into enemies. Hope was abandoned that the Nez Perces would assist to capture the murderers. It was therefore

determined by the governor and military officers, that it was advisable to close the campaign. A small force under Major Magone was sent to the Chemakane to escort the families of Missionaries Walker and Fells to the Willamette. Captain William Martin, with fifty-five men, remained in the garrison at Fort Waters to afford protection to immigrants, and also to hold the country, with some hope that the presence of an armed force might induce the surrender of the murderers. Seventeen men, under command of Lieutenant Rogers, continued in service at Fort Lee. The rest of the regiment proceeded to Oregon City, were disbanded by Captain Hall, on furlough, subject to the order of the governor, and were soon thereafter mustered out. So far as field operations were concerned, the Cayuse war was at an end.

While the Cayuse war was being carried on in the interior, the Indians of the Willamette valley, aware of the necessary absence of so many adult males, had, upon several occasions, manifested a disposition to take advantage of such condition of affairs, and to alarm the weak and remote settlements by insolent conduct and predatory acts. Companies of home guards had become necessary, and had been organized in those remote settlements.

In March, 1848, some eighty Klamaths under Koosta, their chief, visited a large band of Molallas, camped at the head of Abiqua creek. Members of both tribes, dressed in war paint, visited the houses of adjacent settlers, killing stock, pillaging houses, insulting women, rudely compelling them to cook for them, and committing many similar defiant acts. One afternoon, in the early spring, a party of those Indians surrounded the residence of Richard Miller, a prominent citizen of Champoeg (now Marion) county. It was a log house, the defenses of which had been strengthened; and it had served as a place of refuge for the neighborhood. At the same time, a small party of the Indians had endeavored to cut off the escape of a visitor. The mail carrier Knox opportunely passed and witnessed the impending danger. As he carried his mail, he gave notice to the inmates of each house. Others mounted and rode, warning the settlers, and calling them together for defense. Sixty men, old and young, capable of bearing arms, responded to the call, and assembled at Miller's upon the next morning. During the night, the Indians had retired. A military organization was effected. Daniel Waldo was elected Colonel, and Richard Miller and Ralph C. Geer, Captains. Forthwith the volunteers set out for the Indian camp. Those who were mounted, under command of Colonel Waldo and Captain Miller, crossed the Abiqua, following up its north side. Captain Geer, in charge of those on foot, marched up the south side.

Upon the approach of the mounted men, the Indians crossed to the south side, and there encountered the party on foot, concealed in a thicket. The Indians were armed with bows and arrows, the Whites with rifles. Two of their number having been slain, the Indians retreated up the creek. Night being at hand, it was agreed that those men having families should return to their homes, the young men should camp at the nearest farmhouse, and that all should reassemble at daylight next day to continue the pursuit of the savages. In the morning, the Indians were overtaken on the Klamath trail beyond Koosta's camp. Their rear guard, as they retreated, defended the band by shooting volleys of arrows at the pursuing Oregonians. One arrow only took effect, and it occasioned no material injury. The riflemen had killed several of the Indians; the rest had retreated to a rocky ledge which overhung the creek. The Oregonians continued following, still covered by the thicket. Several Indians, who had succeeded in climbing the ledge which ran out to and projected over the stream, made their escape. The rest were forced to make

a stand, and for a while fought manfully, arrows against rifles, then scattered and ran away. In the uneven contest, seven savages were left dead upon the field. One of the killed proved to be a woman, who held in her dying grasp a drawn bow, with an arrow ready to be sped at her pursuers. The miscreants who had made the trouble and invited this chastisement had made good their escape, leaving to follow their wives and children, with a few warriors as a guard. Upon that rear guard had fallen the blow so richly deserved by the Klamaths and Molallas, camped on the Abiqua.

The "battle of the Abiqua" was unheralded to the world till years afterwards. When published, the statement that it had occurred was persistently denied. Its effect at the time had proved salutary in the highest degree. It had successfully quieted the Indians in the vicinity of the Willamette settlements. It had served to warn the renegades from the interior tribes to leave the valley, and not to attempt to incite an Indian outbreak; and it had effectually removed any cause of alarm thereafter in the outer settlements.

The presence of the Oregon troops at Fort Waters deterred any Indian molestation of immigrant trains in 1848 by way of Walla Walla and the Dalles. Along the southern trail, the Indians had remained quiet. The immigration of 1848 arrived safely, adding some seven or eight hundred to Oregon's population.

The remainder of this chapter is devoted to giving the names of the officers and men who volunteered and served in the Cayuse war (1):

First Company, OREGON RIFLES (See statement of J. H. McMillan in the *Oregonian*, April 1, 1886. Captain McMillan says: "The list is correct as memory serves me, when we left Fort Vancouver, except McDonald and Callahan, who joined the company later"): Captain, Henry A. G. Lee; First Lieutenant, Joseph Magone; Second Lieutenant, John E. Ross; Surgeon, W. W. Carpenter; Orderly Sergeant, J. S. Rinearson; First Duty Sergeant, J. H. McMillan; Second Duty Sergeant, C. W. Savage; Third Duty Sergeant, S. Cummings; Fourth Duty Sergeant, William Berry; Privates, John Little, Joel McKee, J. W. Morgan, Joseph B. Proctor, Samuel K. Barlow, John Richardson, Ed. Marsh, George Moore, Isaac Walgamot, Jacob Johnson, John Lassater, Edward Robeson, B. B. Rodgers, —— Shannon, A. J. Thomas, R. S. Tupper, O. Tupper, Joel Witchey, G. W. Weston, George Wesley, John Flemming, John G. Gibson, Henry Leralley, Nathan Olney, —— Barnes, J. H. Bosworth, Wm. Beekman, Benjamin Bratton, John Balton, Henry W. Coe, John C. Danford, C. H. Derendorf, David Everst, John Finner, James Kester, —— Pugh (killed by Indians near the Dalles in a skirmish), —— Jackson (killed in a skirmish near the Dalles), John Callahan, Alex. McDonald (killed by a sentry, who mistook him for an Indian at the camp on the east side of the Des Chutes). Forty-eight men.

Second Company: Captain, Lawrence Hall; First Lieutenant, H. D. O'Bryant; Second Lieutenant, John Engart; Orderly Sergeant, William Sheldon; Duty Sergeants, William Stokes, Peter S. Engart, Thos. R. Cornelius, Sherry Ross; Color-bearer, Gilbert Mondon; Privates, A. Engart, Thos. Fleming, D. C. Smith, W. R. Noland, Jos. W. Scott, G. W. Smith, A. Kinsey, John N. Donnie, A. C. Brown, F. H. Ramsey, S. A. Holcomb, A. Stewart, Wm. Milbern, A. Kennedy, Oliver Lowden, H. N. Stephens, P. G. Northup, W. W. Walters, J. Z. Zachary, Sam Y. Cook, J. J. Garrish, Thos. Kinsey, J. S. Scoggin, Noah Jobe, D. Shumake, J. N. Green, J. Elliot, W. Williams, John Holgate, R. Yarborough, Robert Walker, J. Butler, I. W. Smith, J. W. Lingenfelter, J. H. Lienberger, A. Lienberger, Sam Gethard, Jno. Lousingnot, A. Williams, D. Harper, S. C. Cummings, S. Ferguson, Marshall Martin.

(1) Revised by Bancroft's "History of Oregon."

Third Company: Captain, John W. Owen; First Lieutenant, Nathaniel Bowman; Second Lieutenant, Thomas Shaw; Orderly Sergeant, J. C. Robison; Duty Sergeants, Benj. J. Burch; J. H. Blankenship, James M. Morris, Robert Smith; Privates, George W. Adams, William Athey, John Baptiste, Manly Curry, Jesse Clayton, John Dinsmore, Nathan English, John Fiester, Jesse Gay, Lester Hulan, Stephen Jenkins, J. Larkin, Joshua McDonald, Thomas Pollock, J. H. Smith, S. P. Thornton, William Wilson, Benjamin Allen, Ira Bowman, —— Currier, George Chapel, William Doke, —— Linnet, T. Dufield, Squire Elembough, Henry Fuller, D. H. Hartley, Fleming R. Hill, James Keller, D. M. McCumber, E. McDonald, Edward Robinson, Chris. Stemermon, Joseph Wilbert, T. R. Zumwalt, Charles Zummord.

Fourth Company: Captain, H. J. G. Maxon; First Lieutenant, G. N. Gilbert; Second Lieutenant, Wm. P. Hughes; Orderly Sergeant, Wm. R. Johnson; Duty Sergeants, O. S. Thomas, T. M. Buckner, Daniel Stewart, Joseph R. Ralston; Privates, Andrew J. Adams, John Beattie, Charles Blair, John R. Coatney, Reuben Crowder, John W. Crowel, Manly Danforth, Harvey Graus, Albert H. Fish, John Feat, Andrew Gribble, Wm. Hawkins, Rufus Johnson, John W. Jackson, J. H. Loughlin, Davis Lator, John Miller, John Patterson, Richard Pollard, Wm. Robison, Asa Stone, Thos. Allphin, Wm. Bunton, Henry Blacker, Wm. Chapman, Samuel Chase, Sam Cornelius, James Dickson, S. D. Earl, Joseph Earl, D. O. Garland, Richmond Hays, Goalman Hubbard, Isaiah M. Johns, S. B. Knox, James H. Lewis, Horace Martin, John McCoy, James Officer, Henry Pellet, Wm. Russell, John Striethoff, A. M. Baxster, D. D. Burroughs, Samuel Clark, John M. Cantrel, Asi Cantrel, Albert G. Davis, S. D. Durbin, Samuel Fields, Rezin D. Foster, Isaac M. Foster, Horace Hart, Wm. Hock, Wm. A. Jack, Elias Kearney, James Killingworth, Isaac Morgan, N. G. McDonnell, Madison McCully, Frederick Paul, Wm. M. Smith, H. M. Smith, Jason Wheeler, John Vaughn, Reuben Striethoff, Wm. Vaughn, Wm. Shirley.

Fifth Company: Captain, Philip F. Thompson; First Lieutenant, James A. Brown; Second Lieutenant, Joseph M. Garrison; Orderly Sergeant, George E. Frazer; Duty Sergeants, A. Garrison, A. S. Welton, Jacob Greer, D. D. Dostins; Privates, Martin P. Brown, William A. Culberson, Harrison Davis, James Electrels, William Eads, Alvin K. Fox, William J. Garrison, William Hailey, John A. Johnson, J. D. Richardson, Martin Wright, William Smith, E. T. Stone, John Thompson, H. C. Johnson, Joseph Kenny, Henry Kearney, Jacob Leabo, Daniel Matheny, William McKay, John Orchard, John B. Rowland, John Copenhagen, Bird Davis, John Eldridge, John Faron, C. B. Gray, Robert Harmon, James O. Henderson, Green Rowland, William Rogers, Thomas Wilson, William D. Stillwell, William Shepard, Alfred Jobe, T. J. Jackson, Jesse Cadwallader, Andrew Layson, J. C. Matheny, Adam Matheny, Charles P. Matt, James Packwood, Clark Rogers.

McKay's Company: Captain, Thomas McKay; First Lieutenant, Charles McKay; Second Lieutenant, Alexander McKay; Orderly Sergeant, Edward Dupuis; Duty Sergeants, George Montour, Baptiste Dorio, David Crawford, Gideon Pion; Privates, John Spence, Louis Laplante, Augustine Russie, Isaac Gervais, Louis Montour, Alexis Vatrais, Joseph Paino, Jno. Cunningham, Jno. Gros, Louis Joe Lenegratly, Antoine Poisier, Antoine Plante, Pierre Lacourse, Ashby Pearce, Antoine Lafaste, Nathan English, Charles Edwards, Gideon Gravelle, Chas. Corveniat, Antoine Bonanpaus, Nicholas Bird, Francis Dupres, William Torrie, Thomas Purvis, A. J. Thomas, J. H. Bigler, Mongo Antoine Ansure, Narcisse Montiznie, Edward Crete.

English's Company: Captain, Levin N. English; First Lieutenant, William Shaw; Second Lieutenat, F. M. Munkers; Orderly Sergeant, William Martin; Duty Sergeants, Hiram English, George Shaw, Thomas Boggs, L. J. Rector; Privates, Jackson Adams, L. N. Abel, William Burton, Joseph Crauk, John Downing, Thos. T. Eyre, R. D. Foster, Alexander Gage, Thomas Gregory, G. W. Howell, Fales Howard, J. H. Lewis, N. G. McDonald, James Officer, Joseph Pearson, Jackson Rowell, William Simmons, Lewis Stewart, Charles Roth, Daniel Waldo, George Wesley, William Vaughn, L. N. English, Jr., Nineveh Ford, Albert Fish, A. Gribble, Samuel Senters, Thomas Wigger, Richard Hays, Wesley Howell, Richard Jenkins, G. H. March, William Medway, J. R. Payne, Benjamin Simpson, Alexander York.

Martin's Company: Captain, William Martin; First Lieutenant, A. E. Garrison; Second Lieutenant, David Waldo; Orderly Sergeant, Ludwell J. Rector; Duty Sergeants, William Cosper, Fales Howard, Joseph Sylvester, Benjamin Wright; Privates, J. Albright, H. Burdon, T. J. Blair, Joseph Borst, George Crabtree, Joseph Crauk, Wesley Cook, Samuel Center, John Cox, John Eads, Parnel Fowler, S. M. Crover, John Kaiser, Clark S. Pringle, Israel Wood, Lewis Stewart, Pleasant C. Kaiser, Thomas Canby, Sidney S. Ford, William Melawers, A. N. Rainwater, B. F. Shaw, Wm. Waldo, Silas G. Pugh, G. H. Vernon, Isaiah Matheny, Thomas T. Eyre, John C. Holgate.

Shaw's Company: Captain, William Shaw; First Lieutenant, David Crawford; Second Lieutenant, Baptiste C. Dorio; Orderly Sergeant, Absalom M. Smith; Duty Sergeants, George Laroque, Vatall Bergeren, George W. Shaw, Charles McKay; Privates, John H. Bigler, O. Crum, Joseph Despont, William Felix, Xavier Plante, Eli Viliell, F. M. Mankis, Antonio Plante, Charles Edwards, Andrew Heeber, Xavier Gervais, David Jones, John Pecares, Samuel Kinsey, Joseph Pearson, William Towie, Peter Jackson, Alexander Laborain, William McMillen, B. F. Nichols, Hiram Smead, William Marill, Francis Poiecor, George Westley.

Garrison's Company: Captain, J. M. Garrison; First Lieutenant, A. E. Garrison; Second Lieutenant, John C. Herren; Orderly Sergeant, J. B. Kaiser; Duty Sergeants, George Crabtree, George Laroque, Joseph Colester; Privates, E. Biernaisse, Thomas R. Blair, John C. Cox, Joseph Despart, Caleb M. Grover, Isaiah Matheny, John Picard, William Philips, Henry Barden, Silas P. Pugh, Isaac Wood, Penel Fowler, Andrew Hubert, Daniel Herren, Xavier Plante, Vitelle Bergeron.



D. KELLING,

WALLA WALLA, W. T.

Chapter XXXIV.

(1846–1848.)

Oregon's Struggle in Congress to Become a Territorial Government.

IT IS foreign to the legitimate purposes of this work, and equally unnecessary, to establish the relative measure of service in promoting the establishment of the Oregon territorial government rendered by the two so-called delegates from Oregon, both of whom had reached Washington City within the month of May, 1848. The one, J. Quinn Thornton, had been accredited by the executive of the Provisional government. The other, Joseph L. Meek, with the less pretentious title of special messenger, had been selected by the representatives of the people in their Legislative Assembly. The latter carried the legislative prayer for consideration by the national government. It had been made his special duty to invoke the attention of Congress, and the national Executive, to the claims of the American settlers in Oregon; to remind that government how much had been done by those settlers in securing the sovereign rights of the Nation to its Pacific possessions; to ask only that the government would enter upon its first of duties to assume control and exercise authority.

What Thornton's mission was, what he claims it to have been, or what he accomplished, and how he acquitted himself in the performance of those herculean labors, those complex and manifold self-imposed duties, are fully set out in numerous autobiographic historic sketches of that delegateship (1).

The principal features of Meek's mission to Washington City have been graphically preserved. The presence of both at the Federal seat of government did much to attract the attention of the President, Congress and the Nation to Oregon Territory. Their personal purposes having been somewhat adverse was perhaps a fortunate circumstance. It has been suggested that its tendency was to defeat schemes of personal ambition or aggrandizement, and that it aided in securing more disinterested service to the respective constituencies of the two delegates.

On the 6th of August, 1846, President Polk, when communicating to Congress copies of the settlement of the Oregon controversy by the Treaty of Limits of June 15, 1846, thus invoked congressional consideration of the territory:

"It now becomes important that provision should be made by law, at the earliest practicable period, for the organization of a territorial government in Oregon. It is also deemed proper that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to such tribes within our territory as dwell beyond them, and that a suitable number of Indian agents should be appointed for the purpose of carrying these laws into execution. It is likewise important that mail facilities for the

(1) Notably, Thornton's "History of California and Oregon." "History of the Provisional Government. by J. Quinn Thornton," in "Transactions of Oregon Pioneers," 1874. Thornton-Victor Controversy, *Oregonian*. Thornton's Statement to S. A. Clarke. "Pioneer Days" in *Sunday Oregonian*, etc., etc.

diffusion of information should be afforded to our citizens west of the Rocky Mountains. There is another subject to which I desire to call your special attention. It is of great importance to our country generally, and especially to our navigating and whaling interests, that the Pacific coast, and indeed the whole of our territory west of the Rocky Mountains, should speedily be filled up by a hardy and patriotic population. Emigrants to that territory have many difficulties to encounter and privations to endure in their long and perilous journey; and, by the time they reach their place of destination, their pecuniary means are generally much reduced, if not altogether exhausted. Under these circumstances, it is deemed but an act of justice that these emigrants, whilst most effectually advancing the interest and policy of the government, should be aided by liberal grants of land. I would, therefore, recommend that such grants be made to actual settlers, upon the terms and under the restrictions and limitations which Congress may think advisable."

Upon the conclusion of the reading of the message, Stephen A. Douglas, chairman of the Committee on Territories in the House of Representatives, obtained unanimous consent to report from that committee a bill to establish the territorial government of Oregon. The bill having been read twice by title was referred to the Committe of the Whole. Amendments were made, one adding to section twelve, "and neither slavery nor involuntary servitude shall ever exist in said territory except for crime, whereof the party shall have been duly convicted." Another extended the Indian laws over the territory. Another created an Indian agency. The bill and amendments, being reported to the House, were passed. The session closed without the Senate taking action upon the bill.

President Polk, December 8, 1846, in his annual message to Congress, at the session following, thus urgently invited the attention of that body to the condition of affairs in the territory of Oregon:

"It will be important, during your present session, to establish a territorial government, and to extend the jurisdiction and laws of the United States over the territory of Oregon. Our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to the Pacific Ocean; and for the purpose of executing them, and preserving friendly relations with the Indian tribes within our limits, an additional number of Indian agencies will be required, and should be authorized by law. The establishment of custom-houses, and of postoffices, and post roads, and provisions for the transportation of the mail on such routes as the public convenience will suggest, require legislative authority. It will be proper, also, to establish a surveyor-general's office in that territory, and to make the necessary provision for surveying the public lands and bringing them into market. As our citizens who now reside in that distant region have been subjected to many hardships, privations and sacrifices in their emigration, and by their improvements have enhanced the value of the public lands in the neighborhood of their settlements, it is recommended that liberal grants be made to them of such portions of these lands as they may occupy, and that similar grants or rights of pre-emption be made to all who may emigrate thither within a limited period to be prescribed by law."

Stephen A. Douglas, chairman of the Committee on Territories, House of Representatives, had (early in the session of 1846-7) introduced "A Bill to Establish the Territorial Government of Oregon." He secured consideration of it by the House in Committee of the Whole, on the 11th of January, 1847. Upon that day, the larger part of the discussion was upon the application of the anti-slavery provision of the ordinance

of 1787 (section twelve), and section five, which defined the qualifications of voters in the territory. Without concluding the consideration by sections, the committee rose and reported to the House the progress made. On the 16th of January, 1847, the House again passed the Douglas bill. The Senate rejected the bill. It is enough to say that the ordinance of 1787, reaffirmed in section twelve, was the all-sufficient explanation for its failure; for the delay of the American settler of Oregon to secure a recognition of his claims.

At the next session of Congress, President Polk, in his annual message, December 7, 1847, again urged the claims of Oregon to immediate consideration:

"The attention of Congress was invited, at their last and the preceding session, to the importance of establishing a territorial government over our possessions in Oregon; and it is to be regretted that there was no legislation on the subject. Our citizens who inhabit that distant region of country are still left without the protection of our laws, or any regularly organized government. Before the question of limits and boundaries of the territory of Oregon was definitely settled, from the necessity of their condition, the inhabitants had established a temporary government of their own. Besides the want of legal authority for continuing such a government, it is wholly inadequate to protect them in their rights of person and property, or of other citizens, to which they are entitled under the Constitution of the United States. They should have the right of suffrage, be represented in a territorial legislature, and by a delegate in Congress, and possess all the rights and privileges which citizens of other portions of the territories of the United States have heretofore enjoyed, or may now enjoy. Our judicial system, revenue laws, laws regulating trade and intercourse with the Indian tribes, and the protection of our laws generally, should be extended over them. In addition to the inhabitants in that territory who had previously emigrated to it, large numbers of our citizens have followed them during the present year; and it is not doubted that during the next and subsequent years their numbers will be greatly increased.

"Congress, at its last session, established post routes leading to Oregon, and between different points within that territory, and authorized the establishment of postoffices at 'Astoria and such other places on the coasts of the Pacific, within the territory of the United States, as the public interests may require.' Postoffices have accordingly been established, deputy postmasters appointed, and provision made for the transportation of the mails. The preservation of peace with the Indian tribes residing west of the Rocky Mountains will render it proper that authority should be given by law for the appointment of an adequate number of Indian agents to reside among them.

"I recommend that a surveyor-general's office be established in that territory, and that the public lands be surveyed and brought into market at an early period. I recommend also, that grants upon liberal terms, of limited quantities of the public lands, be made to all citizens of the United States who have emigrated or may hereafter within a prescribed period emigrate to Oregon and settle upon them. These hardy and adventurous citizens, who have encountered the dangers and privations of a long and toilsome journey, and have at length found an abiding place for themselves and their families upon the utmost verge of our western limits, should be secured in the homes which they have improved by their labor."

Stephen A. Douglas in the meantime had been transferred from the House of Representatives to the United States Senate. As chairman of the Committee on Territories of the latter body, on the 10th of January, 1848, he introduced a bill for

establishing the territorial government of Oregon. He substituted for section twelve of the bill rejected by the Senate, which had provided that the anti-slavery clause of the ordinance of 1787 should be applicable to the territory, an express congressional ratification of the Articles of Compact of the Provisional government, which embodied that clause, and had been ratified by a vote of the people of Oregon, as part of their fundamental law. The bill had been made the special order in the Senate for April 26th, but it went over to give precedence to the California Claims Bill and the $3,000,000 loan. On the 8th of May, the petition of the Oregon Provisional legislature, as to the Cayuse war and other urgent matters, had reached the city of Washington. On the 29th, that petition was formally presented in both houses of Congress, and made the reason for special message by the President, in which he said:

"I lay before Congress the accompanying memorial and papers, which have been transmitted to me by a special messenger, employed for that purpose by the Governor and 'Legislative Assembly of Oregon Territory,' who constitute the temporary government which the inhabitants of that distant region of our country have, from the necessity of their condition, organized for themselves. The memorialists are citizens of the United States.

"They express ardent attachment to their native land; and, in their present perilous and distressed situation, they earnestly invoke the aid and protection of their government. They represent that 'the proud and powerful tribes of Indians' residing in their vicinity have recently raised 'the war-whoop and crimsoned their tomahawks in the blood of their citizens;' that they apprehend that 'many of the powerful tribes inhabiting the upper valley of the Columbia have formed an alliance for the purpose of carrying on hostilities against their settlements;' that the number of the white population is far inferior to that of the savages; that they are deficient in arms and money, and fear that they do not possess strength to repel 'the attack of so formidable a foe, and protect their families and property from violence and rapine.' They conclude their appeal to the government of the United States for relief by declaring: 'If it be at all the intention of our honored parent to spread her guardian wing over her sons and daughters in Oregon, she surely will not refuse to do it now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them and preparing to burst upon their heads. When the ensuing summer's sun shall have dispelled the snow from the mountains, we shall look with glowing hope and restless anxiety for the coming of your laws and your arms.'

"In my message of the 5th of August, 1846, communicating 'a copy of the convention for the settlement and adjustment of the Oregon boundary,' I recommended to Congress that 'provision should be made by law at the earliest practicable period, for the organization of a territorial government in Oregon.'"

"In my annual message of December, 1846, and again in December, 1847, this recommendation was repeated. The population of Oregon is believed to exceed twelve thousand souls; and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers show that the dangers to which our fellow citizens are exposed are so imminent, that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefit of our laws and the protection of our government.

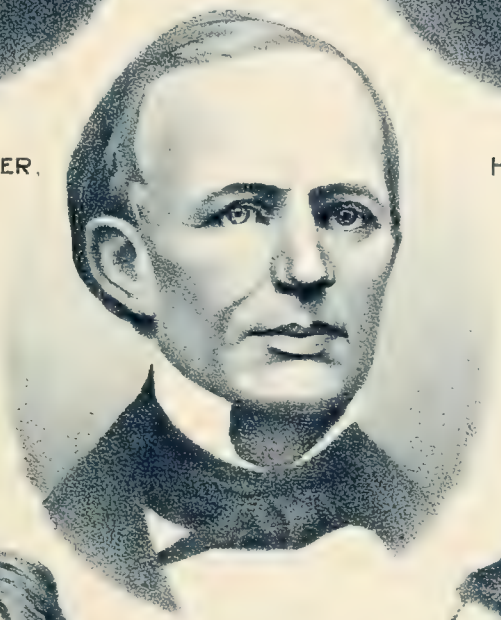
"I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a territorial government, and granting authority



HON. SYLVESTER PENNOYER,
PORTLAND, OR.



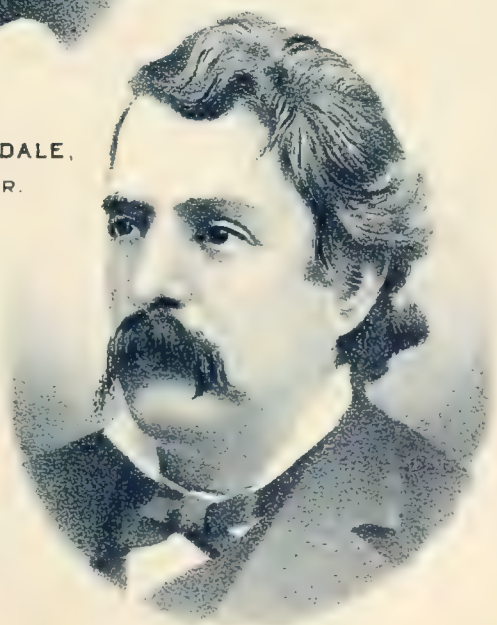
HON. GEO. L. WOODS.
PORTLAND, OR.



DAN'L H. LOWNSDALE,
PORTLAND, OR.



HON. EDWARD HIRSCH,
SALEM, OR.



COL. N. B. KNIGHT,
SALEM, OR.

to raise an adequate volunteer force for the defense and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the force raised for this purpose should engage to serve for twelve months, unless sooner discharged.

"No doubt is entertained, with proper inducements in land bounties, such a force can be raised in a short time. Upon the expiration of their service, many of them will doubtless desire to remain in the country, and settle upon the land which they may receive as bounty. It is deemed important that provision be made for the appointment of a suitable number of Indian agents to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with these tribes, with a view to restore and preserve peace between them and the white inhabitants.

"Should the laws recommended be promptly passed, the measures for their execution may be completed during the present season, and before the severity of winter will interpose obstacles in crossing the Rocky Mountains. If not promptly passed, a delay of another year will be the consequence, and may prove destructive to the white settlements in Oregon."

Such was the attitude of Oregonian affairs at the national Capital; such the thorough knowledge of her needs, her claims, and as to the relief required; such the status of congressional legislation and animus towards the territory, and upon the vital question of establishing a territorial government before and at the time of the arrival of Messrs. Meek and Thornton. As the legislation which subsequently was consummated differed in no material feature from the legislation theretofore proposed and pending, it is safe to say that it was neither conceived nor molded by either of the two delegates.

In the House of Representatives (May 29th), Caleb B. Smith of Indiana, chairman of the Committee on Territories, had asked the general consent of the House to make the Oregon Territorial Government Bill the special order immediately after the disposition of the general appropriation bills. John A. McClernand of Indiana insisted on modifying Mr. Smith's request by referring the bill at once to the Committee of the Whole, and proceeding with its consideration till finally disposed of by the House.

A that stage the President's special message, accompanying the legislative memorial, was received and read. Howell Cobb appealed to Mr. Smith to modify his motion so as to secure immediate action. In the debate, it was urged that the protection demanded (the immediate necessity for which existed) could better be secured by a separate bill, which could be promptly passed; that the territorial organization bill was not necessarily connected with granting the relief, and could be subsequently matured. The House sent the message, with the petition, to the Committee on Military Affairs.

In the Senate, June 1st, in the absence of Senator Douglas, on motion of Jesse D. Bright of Indiana, consideration of the bill was resumed to establish the territorial government of Oregon. John P. Hale moved to insert a section engrafting upon the bill the provisions of the ordinance of 1787. Senator Butler of South Carolina explained that the opposition to the bill of last session arose from the intention to make it conform to the Iowa laws. Senator Bright regretted the absence of Senator Douglas, and explained that the bill was called up in consequence of the urgent condition of affairs in Oregon, and in response to the President's special message. He asserted that the bill was substantially the same as the admission bills of Wisconsin and Iowa, except the twelfth section, which somewhat varies: "The laws of Oregon now prohibit slavery; and these

laws will remain unless changed by legislative authority." He deprecated Senator Hale's amendment, because it would provoke discussion and delay the passage of the bill. He was willing to accept a substitute for said twelfth section. To an interrogatory of Senator Westcott of Florida, Senator Bright conceded that the act of the Provisional government of Oregon excluded slavery. Thereupon Senator Hale withdrew his amendment. The question recurring on the motion of Mr. Westcott to strike out section twelve, Senator Bright, for the friends of the bill, consented that it should be stricken out. Thereupon Senator Hale gave notice that he would, at the proper time, renew his amendment.

Senator John C. Calhoun said that striking out section twelve would not remove the difficulty. Three questions were involved: 1st. The power of Congress to interfere with persons emigrating with their property into the State; 2d. The power of the territorial government to do so; 3d. The power of Congress to vest such power in this territory. He, Mr. Calhoun, did not wish to delay the passage of the bill. But if the matter introduced was to be gone into, it would be best to separate the military authority from the residue, and act upon that only at present. Mr. Miller of New Jersey expressed surprise at the assumption that the Oregon people had no right to prohibit slavery. He asked, "from whence the authority to create slavery there?" Daniel S. Dickinson said: "Strike out section twelve and leave the territorial government to take care of itself."

Senator Bagby of Alabama wanted the twelfth section stricken out. "It was an eyesore; without it he would support the bill." He called the doctrine of Senator Dickinson monstrous, and protested against "stirring up agitation in reference to a territory into which it was generally admitted that slavery was not liable to enter." Senator Hale interposed, saying "he had withdrawn his firebrand; and this is a Southern firebrand now thrown in." Bagby replied "that Hale intended to renew it. The Northern fire burns more slowly than the Southern fire; and, whenever the Senator from New Hampshire desires to renew it, he has wind enough to kindle a flame." The Senator, continuing, denounced "the new doctrine as to these ephemeral things called territorial governments, by which any twenty thousand settlers on the public lands might set up a government, and demand the right to enact their own laws. He contended that a power could not be delegated to a creature which the creator did not possess. If, by inherent right, the people could form a government, why do they come to Congress to ask the power? To what extent could Congress confer power? Not beyond the power vested in it by the Constitution."

Henry S. Foote of Mississippi, having lectured Senator Bagby for discussing a question that it had been the desire of Senators, by a mutual understanding, to avoid, then turned his attention to Senator Hale. Mr. Foote was opposed "to the agitation of this question at the present time, as it might enable an individual, to whom the Abolitionists were attracted, to increase his popularity, and might also have the effect of exciting the South so as to weaken the great party to which he was attached in that section of the Union. There was a plan on foot to distract the South, which he would expose at a proper time." The debate was continued by Senators Hale, Butler and Foote; and but little that was said was germane to a legitimate consideration of the claims of Oregon.

On the next day, Senator Bright commenced the consideration of the bill by withdrawing the motion to strike out section twelve. John M. Berrien of Georgia renewed the motion, and called for the yeas and nays, which were ordered. Thereupon Senator Westcott asked "if Senators understood the character and effect of the existing laws in Oregon. He alluded to all the laws. We were about to sanction laws which have not yet

been submitted to us. There was among them a sumptuary law prohibiting the introduction of any ardent spirits into the territory." (Mr. Hale: Good!) "The Senator from New Hampshire says, 'good,' and he will probably vote for the bill. But he (Westcott) would ask if the territorial government had a right to interfere with the United States system of import duties? The Provisional government of Oregon was merely an assemblage of emigrants who first went there, of all nations and castes, and never was recognized as a government while we held the territory in joint occupation with Great Britain."

Senator Turney of Tennessee favored striking out, when the motion had been made by the Senator from Indiana, because he regarded its intention was to conciliate the North and South. But that Senator had withdrawn it, and it was renewed by a Southern Senator; so that it was intended, now, to make it a sectional question. This was a violation of the common platform agreed upon by the Democratic party. He warned Senators who advocated retaining the section of the dangers to which they subjected themselves by withdrawing the motion to strike out. The party would be at sea, and there could be no union between the North and South.

Senator George E. Badger of North Carolina briefly stated his reasons for voting to retain the twelfth section: "The settlers in Oregon, for the purpose of self-defense, had established a Provisional government. Congress was now called upon to sanction the acts of this Provisional government. Should this section be stricken out, the people of Oregon will be left in a situation in which they will have no laws which can be carried into execution. Months must elapse before the system now to be established can be made effective. Temporary force must be given to the laws now existing, or they must be abolished. The retention of the section was necessary to enable the people to obtain the benefits of the existing laws. The inhabitants ought to have power to establish their own municipal regulations. The restrictions in the Senate bill were amply sufficient to prevent evil results." The debate had been continued on the slavery question, rather than upon the bill, or section twelve, by Senators Rusk of Texas, Butler of South Carolina, Niles of Connecticut and Downs of Louisiana, when Senator Sam Houston of Texas, for the purpose of ending the discussion, moved to amend the section by inserting after the word "act" in line nine, the words, "or in violation of any rights by the laws or Constitution of the United States vested in, or secured to, the citizens of the United States, or any of them," so that the said section would read:

"Sec. 12. And be it further enacted, that the inhabitants of the said territory shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the territory of Iowa and to its inhabitants. And the existing laws now in force in the territory of Oregon, under the authority of the Provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, *or in violation of any rights by the laws or Constitution of the United States vested in, or secured to, the citizens of the United States, or any of them;* subject, nevertheless, to be altered, modified or repealed by the Governor and Legislative Assembly of the said territory of Oregon; and the laws of the United States are hereby extended over, and declared to be in force in, said territory, so far as the same, or any provision thereof, may be applicable."

The amendment having been agreed to, the question recurred on the motion to strike out the section. A desultory debate followed by several Senators, and the Senate adjourned without taking a vote. The consideration of the bill by the Senate, as in Committee of the Whole, occupied the next day. The Senators taking part in the discussion

were Jefferson Davis of Mississippi, Badger of North Carolina, Reverdy Johnson of Maryland and Foote of Mississippi. Senator Davis offered the following amendment to come in at the close of the bill: "*Provided*, that nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said territory, whilst it remains in the condition of a territory of the United States."

Senator Hale remarked that he regarded the proper course to be pursued was to take the question on the amendment that he had offered and withdrawn; and he gave notice that, when the bill came up, he should move the following amendment:

"Sec. 12. That the inhabitants of said territory shall be entitled to enjoy all and singular the rights, privileges and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio, by the Articles of Compact contained in the ordinance for the government of said territory on the 13th day of July, 1787, and shall be subject to all the conditions and restrictions and prohibitions in said Articles of Compact imposed upon the people of said territory; and the existing laws now in force in the territory of Oregon, under the authority of the Provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the principles and provisions of this act, subject, nevertheless, to be altered, modified or repealed by the Governor and Legislative Assembly of the said territory of Oregon; and the laws of the United States are hereby extended over, and declared to be in force in, said territory, so far as the same, or any provision thereof, may be applicable."

On Monday, June 26th, the Senate resumed consideration of the bill, the pending question being the amendment offered by Senator Davis. The Senate was addressed by Senator Dix of New York at length, who concluded his speech: "We are bound to take a territory as we find it. If we find slavery there, we ought not to abolish it. If we find that no slavery exists there, we ought not to introduce it so long as it continues in the condition of a territory; and we have no power over the regulation of the subject as soon as the territory becomes a state."

That memorable debate, in which many distinguished Senators participated, in which it appeared so manifest that the Senate desired to avoid the issue as made, continued from day to day whenever the business permitted a consideration of the bill, until the 12th of July. On that day Senator Clayton of Delaware, of the Committee on Territories, stated that that committee was preparing a bill relative to the new territories (California and New Mexico), but, as the committee consisted of but four members, they made but little progress. He moved that the Oregon Territorial Government Bill be recommitted to a special committee of eight members, to be appointed by ballot, four to be selected from the North, and four from the South. He would go further, and add two from each party in the South, and two from each party in the North. The proposition having been modified to discharge the Committee on Territories from further consideration of "so much of the President's message as relates to New Mexico, California and Oregon, and that the same be referred to a Select Committee of eight," was adopted by a vote of thirty-one ayes to fourteen noes. The Select Senate Committee, chosen next day, consisted of Senator John M. Clayton, Chairman, Senators Bright, Calhoun, Clarke of Rhode Island, Atchison of Missouri, Phelps of Vermont, Dickinson of New York, and Underwood of Kentucky.

On the 18th of July, Senator Clayton, from the Select Committee, reported a bill containing twenty-seven sections for the organization of the three territories of Oregon, California and New Mexico. In reporting the bill, Mr. Clayton explained its provisions:



HON L.M.RINGER.

ALMOTA, W.T.

"This bill resolves the whole question between the North and South into a constitutional and judicial question. It only asks of men of all sections to stand by the Constitution and suffer that to settle the difference by its own tranquil operation. If the Constitution settles the question either way, let those who rail at the decision vent their indignation against their ancestors who adopted it. We offer no bill to introduce slavery by congressional enactment into any free territory. If, as the South contends, the Constitution gives the right to carry their slaves there, they will maintain that right. If, as the North contends, the Constitution confers no such right, they will vindicate their claim. And Oregon will be at once organized as a territory, with power to elect their own legislature, a power which the committee think cannot now, with any propriety, be conferred upon the population of the two other territories."

The bill was read a first and second time, and ordered to be printed. On motion of Mr. Clayton, the Compromise Bill to establish territorial governments in Oregon, California and New Mexico, was taken up by the Senate. Senator Clarke, one of the committee, expressed his dissent to the bill. The discussion continued through several days. On the 26th, the Senate continued its session until two o'clock A. M. of the following morning, when the voting commenced upon the amendments. At seven minutes before eight o'clock A. M. Thursday morning, July 27, 1848, after a session of twenty-one hours, the amendments had all been disposed of, and the bill had passed the Senate by a vote of thirty-three ayes, twenty-two noes. The Senate then adjourned until Friday. On the 28th of July, the Oregon bill was taken up in the House. It was a bill which referred alone to Oregon. The Compromise-three-territory Bill, which had passed the Senate, had been reported to the House. That body at once laid it on the table, without any further proceeding; and that was the end of it, as it required a two-thirds vote to secure its further consideration. The House then proceeded upon its own bill, perfected it, passed it, and sent it to the Senate.

The discussion of the Oregon Territorial Bill had been commenced in the House on the 28th of July. On the ensuing Monday (July 31), the House resumed, and from day to day continued consideration of the bill in Committee of the Whole. On the 2d of August, the bill, and several amendments made in committee, were reported to the House. The amendments having all been acted on, the bill passed under the operation of the previous question, ayes one hundred and twenty-nine, noes seventy-one.

In the Senate, August 3d, the House bill to establish a territorial government for Oregon was received, read a first and second time, and referred to the Committee on Territories. On the 7th of August, on motion of Senator Douglas, the Senate proceeded to the consideration of the bill to establish the territorial government of Oregon. The bill being before the Senate as in Committee of the Whole, the several amendments reported by the Committee on Territories were considered. The second amendment was to insert, at the beginning of section fourteen, "inasmuch as the said territory is north of the parallel of thirty-six degrees and thirty minutes of north latitude, usually known as the Missouri Compromise." Senator Underwood moved to strike out the words "thirty-six degrees and thirty minutes" and insert "forty-two," and to strike out the words "usually known as the Missouri Compromise." This provoked an acrimonious debate. No vote was taken that day. On the 10th of August, the Senate took up the bill, pending the Underwood amendment. Daniel Webster addressed the Senate: "He admitted the necessity and propriety of the establishment of a territorial government in Oregon, and he was willing to vote for this bill as it came from the House. If amended as now proposed, he would not be able to vote for it."

Senator Butler contended that California and New Mexico should have been included in the bill for territorial governments. He complained bitterly of the treatment, by the House, of the Senate compromise measure, and avowed his opposition to the bill now before the Senate. Senator Underwood withdrew his amendment, and the question recurred on the committee amendment. The debate was continued by Senators Calhoun, Mangum, Niles, Webster, Metcalfe, Johnson of Maryland, Berrien, Foote and Johnson of Georgia. The Senate took a recess, and commenced its night session at 5.30 P. M. Mr. Foote moved to lay the bill on the table, which motion was lost, ayes fifteen, noes thirty-six. A spirited debate continued until ten o'clock. The committee amendment was then voted down, yeas two, nays fifty-two, on the understanding, however, that Mr. Douglas was to offer an amendment including the Missouri Compromise. That amendment passed, thirty-three to twenty-one. Senator Jefferson Davis moved to strike out the enacting clause, and insert thereafter the Senate Compromise bill, providing for the admission of the three territories. On the urgent appeal of Senators, he withdrew the motion, the bill came to a vote, and the Senate passed it as amended, thirty-three ayes, twenty-two noes. The House of Representatives, on the 11th, proceeded to the consideration of the Senate amendments to the House bill. By decisive votes on each of the Senate amendments, they were severally non-concurred in by the House.

On the 12th, in the Senate, Senator Douglas moved the appointment of a Committee of Conference. Senator Benton moved that the Senate recede. Senator Mason of Virginia moved to lay on the table the bill and the amendments. This was lost on a vote by ayes and noes, eighteen to thirty-three. Senator Benton addressed the Senate at length. The chair decided that Mr. Benton's motion took precedence of the motion for a committee of conference. The debate continued. Senators Calhoun, Berrien, Westcott, Downs, Bell, and Johnson of Georgia, discussed the bill till the hour of recess. At the evening session, Daniel Webster spoke. Both the Johnsons, Houston, King, Dickinson, Mason and Phelps continued the debate till midnight. The controversy was warm, at times exciting. There were dramatic scenes that night. The Senate refused to adjourn, by a vote of eighteen to thirty-two. Then followed a still more exciting discussion, running into Sunday morning at nine o'clock, which was closed by Senator Foote, who had spoken quite frequently. It was on that memorable Sunday he declared "his ability to speak two entire days and nights without any great inconvenience to himself." The question was then taken on Senator Benton's motion to recede. The recession upon each amendment was voted separately. The amendment conferring the veto power upon the governor was yielded by a vote of thirty-one ayes, twenty-three noes. The second amendment of kindred purport was abandoned, without division.

The great contention, the embodiment of the Missouri Compromise, was receded from, twenty-nine ayes, twenty-five noes. The bill then passed in the precise form it came from the House, in the same language as approved by the President. The President, upon signing the bill, deemed it a proper occasion to give his reasons for such approval. That message to Congress, even at this late date of so great an interest to every student of the history of the nation at large, is surely worthy to hold a place in the annals of the region which he so often, so generously befriended. A few extracts will display his patriotic interest in the territory; how ready he was to accord to it the protection demanded, and his conscientious, conservative tendencies to prevent agitation of the slavery discussion:

"None doubt that it is proper to establish a government in Oregon; indeed, it has been too long delayed. I have made repeated recommendations to Congress to this effect.

"The petitions of the people of that distant region have been presented to the government, and ought not to be disregarded. To give to them a regularly organized government and the protection of our laws, which as citizens of the United States they claim, is a high duty on our part, and one which we are bound to perform, unless there be controlling reasons to prevent it."

Nor was he to be swerved from his path by the agitation of the question as to whether Oregon would become a slave or free State. He said:

"The territory of Oregon lies far north of thirty-six degrees, thirty minutes, the Missouri and Texas compromise line. Its southern boundary is the parallel of forty-two, leaving the intermediate distance to be three hundred and thirty geographical miles. And it is because the provisions of this bill are not inconsistent with the terms of the Missouri Compromise, if extended from the Rio Grande to the Pacific Ocean, that I have not felt at liberty to withhold my sanction. Had it embraced territories south of that compromise, the question presented for my consideration would have been of a far different character; and my action upon it must have corresponded with my convictions. Ought we now to disturb the Missouri and Texas compromises? Ought we, at this late day, in attempting to annul what has been so long established and acquiesced in, to excite sectional divisions and jealousies? To alienate the people of different portions of the Union from each other, and to endanger the existence of the Union itself? From the adoption of the Federal Constitution, during a period of sixty years, our progress as a nation has been without example in the annals of history. Under the protection of a bountiful Providence, we have advanced with giant strides in the career of wealth and prosperity. We have enjoyed the blessings of freedom to a greater extent than any other people, ancient or modern, under a government which has preserved order, and secured to every citizen life, liberty and property. We have now become an example for imitation to the whole. The friends of freedom in every clime point with admiration to our institutions."

All the territory of the United States west of the Rocky Mountains, north of California (forty-two degrees), to the boundary line fixed by the treaty of June 15, 1846, was free territory forever, erected into the territorial government of Oregon by Act of Congress, approved August 14, 1848, entitled, "An Act to Establish the Territorial Government of Oregon." In its domain was included all of the States of Oregon and Washington, the whole of Idaho Territory, and so much of the State of Montana as lies west of the Rocky Mountains.

Chapter XXXV.

(1848–1849.)

The Last Days of the Provisional Government—The Discovery of Gold in California—Exodus to the New Gold Fields—Coinage of Beaver Money—Last Session of the Legislature of the Provisional Government—Progress of American Settlements on Puget Sound—Return of Delegates Thornton and Meek—Appointees to the Territorial Offices—The Provisional Government Superseded by Governor Lane's Proclamation Announcing Organization of Territory.

THE discovery of gold in California materially affected the condition of affairs in the American settlements of Oregon. It will not be disputed that that great event attracted attention to the Pacific coast; promoted Pacific settlements; opened new avenues of commerce; materially contributed to the wealth of the world; revolutionized trade and transposed its centers. It may, however, be gravely questioned whether the California gold stampede of 1848–9 was not a most serious check to the healthy advancement of Oregon. That notable exodus to the new gold fields depleted the little growing communities, which were developing the resources of the country and making comfortable homes; and it may be safely asserted that years of steady, sober advancement were required to recuperate.

James W. Marshall made that discovery. He had come to the Willamette valley in the "Immigration of 1844," and that winter remained in Oregon. Next year he went overland to California. He was a millwright by trade, and entered into a copartnership with General John A. Sutter to erect a mill on the Coloma, a tributary of the American river. In January, 1848, Marshall was following the line of the tail race being constructed, inspecting the work, and observed what he believed to be small flakes of gold. He then washed some dirt and secured a small quantity of dust. The next morning he washed more dirt, and with his dust went to the fort, where his discovery was fully tested, and all were assured of the existence of gold in that region. The news of Marshall's discovery had reached Oregon in the month of August. It was communicated by a sailing vessel which had come to the Columbia river to load with supplies for San Francisco.

For years immigration from the East ceased to come to Oregon, but turned off for the California gold fields. Oregon contributed quite one-third of her male population, as gold-seekers in the new El Dorado. The benefit that inured to Oregon was the finding of a market for her products. Hitherto, sales of produce were confined to the few vessels visiting the Columbia river; in fact, there was but little demand except for home consumption. Now her citizens began to return from California with dust. Large amounts were received in exchange for beef, bacon, butter, pork, grain, flour and vegetables.

The want of a market had been, from Oregon's earliest settlement, the drawback to her progress and material wealth; and the greatest inconvenience to which her



HON. B. W. GRANDY,

LA GRANDE, OR.

merchants and their customers had been subjected was the absence of a circulating medium, the absence of money, the absence of gold and silver. Gold dust had now become a substitute for a circulating medium. True, it had a conventional rate per ounce, varying from eleven dollars to eighteen dollars, contingent upon fineness or pureness. Its value was more or less subject to control by merchants; loss was liable to be incurred in its being transferred from hand to hand; its form was an inconvenience to those who had to make small purchases of necessaries. To remedy this grievance, the legislature of the Provisional government were petitioned to pass a law providing for "the assaying, melting and coining of gold." The Constitution and laws of the United States had vested exclusively in Congress authority "to coin money;" and it had been made a grave offense for States, or private individuals, to violate this provision of fundamental law. But the Provisional government of Oregon obeyed "necessity which knows no law." It authorized the erection of a mint, the coinage of money, fixed its value, and appointed officers of the Oregon mint. The abrogation of that government, by the establishment of the territorial government, superseded that law; and the coinage of the gold dust became a private enterprise.

A large amount of gold was coined into pieces of five and ten dollars value, called "Beaver Money," by an association of bankers who styled themselves the "Oregon Exchange Company." Its members were W. H. Kilborn, Theophilus Magruder, James Taylor, William H. Rector, Hamilton Campbell and Noyes Smith. On one side of the five-dollar piece was a beaver surrounded above by the letters "K. M. T. A. W. R. C. S." These letters were the initials of the associates in the enterprise. Mr. J. C. Campbell, in a letter to Secretary May, August 4, 1865, accompanying the deposit of Beaver Coin dies, says: "The names of the parties that paid for the machinery, dies, etc., and who incurred and lost the whole expenses of the transaction, were Kilborn, Magruder, Taylor, Rector, Campbell and Smith. It will be observed that the eagle pieces contain only the initials of the parties named. The letters "A" and "W" are on the half-eagles, representing Abernethy and Willson." Beneath the beaver were the letters, "O. T. 1849." Upon the reverse side of the coin were the words "Oregon Exchange Company, 130 G. Native Gold, 5 D." The ten-dollar piece differed slightly in the legends. On the one side was engraved the beaver surmounted by seven stars, over which were the letters "K. M. T. R. C. S." Beneath the beaver, "O. T. 1849." On the reverse side were the words "Oregon Exchange Company, 10 D. 20 G. Native Gold, 10 D." Mr. Campbell engraved the dies. Mr. Rector supplied the stamps, dies, press and a rolling machine. The Beaver money was quite abundant until the establishment of an United States mint at San Francisco, when the presence of United States gold and silver coin rendered their use unnecessary. As the Beaver money contained nearly ten per centum more gold than the government coin, they soon went out of circulation; besides, the United States mint at San Francisco called them in, redeemed them, allowing their premium value.

The general stampede to California had left the legislature without a quorum at its session in the fall of 1848. Governor Abernethy had called special elections to fill vacancies, where resignations had been made. The legislature adjourned until the first Monday in February, 1849. On the 5th of February, 1849, the legislature of the Provisional government held its last session. Governor Abernethy in his message advised that body, that information had been received of the appointment of the Federal officials required by the Territorial Government Bill; that such officers were upon their way, and might be shortly expected; that their business would consist chiefly in adjusting the

expenses of the Cayuse war, of which he felt assured the United States would assume the payment. They would also be called upon to pass upon the amendments to the Organic Law, which had been sanctioned by the popular vote, viz.: As to the prohibition and sale of ardent spirits; the oath of office; and as to the appointing of clerks of courts of the several counties, and recorders of land claims. The House passed the latter amendment; but the governor refused to approve it, giving as his reason that the United States laws would regulate the taking and recording of land claims. The House, instead of adopting the prohibition amendment, modified it by substituting "regulate" for "prohibit;" but they also passed a law requiring that every person applying for license to sell or manufacture liquor take an oath not to sell, give or barter liquor to an Indian, fixing the penalty for violation at five hundred dollars. The law prohibited the erection of distilleries beyond the White settlements.

It will be remembered that, in 1845, a small party of American settlers, under the lead of Colonel M. T. Simmons, had located at the head of Puget Sound. Accessions to their number had been made each year. In the administration of the Provisional government, the progress of those little settlements has been incidentally referred to. Lewis county was established by an Act of the House of Representatives, approved December 21, 1845, to take effect after the June election of 1846. It embraced all the territory lying between the Columbia river and fifty-four degrees, forty minutes north latitude, west of the Cowlitz river. At the June election, 1846, Dr. William F. Tolmie, of Fort Nisqually, was elected the first representative. The county continued of the limits defined in the act, until the treaty of June 15, 1846, made forty-nine degrees the northern boundary of Oregon. This county had become, in the spring of 1847, quite a factor in politics. Its vote determined the election of Governor Abernethy. The other counties had given General Lovejoy 518, Governor Abernethy 477. Lewis changed the result by giving sixty-one for Abernethy and two for Lovejoy. At that election Simon Plemondon, of Cowlitz Prairie, was elected representative. In July, a brick kiln was constructed on Cowlitz Prairie, where were burnt the first bricks used north of the Columbia river. In August was formed the Puget Sound Milling Company, which built a saw-mill at Tumwater.

In 1848, Thomas W. Glasgow located a dam, built a cabin, and planted wheat and potatoes on Whidby's Island, opposite Port Townsend. Later in the season, a council of the Sound tribes had been invited by Patkanim, chief of the Snoquahnie nation, to discuss the propriety of resisting the further progress of American settlements. Patkanim urged that soon the Americans would outnumber them, when they would transport the Indians in large fire ships to a distant country, and then appropriate their lands. That at present it would be an easy task for the Indians to exterminate them, and they would thereby acquire a large amount of property. The Upper Sound Indians strenuously resisted any hostile movement, and Snohodemtah, principal chief of the Indian bands about Tumwater, was the champion for peace. This refusal of the Indians of the Upper Sound created intense excitement, and nearly a conflict, upon the council ground. Glasgow and his companion became alarmed, and, by the assistance of friendly Indians, reached Tumwater.

At the election this year, the last under the Provisional government, Antonio B. Rabbeson was elected sheriff, and Levi Lathrop Smith, the original taker and proprietor of the site of the town of Olympia, was elected to the legislature. On the 14th of June, Rev. Pascal Recaid, with a small party of Oblat missionaries, established the mission of St. Joseph on the east side of Budd's Inlet, about a mile north of the town of Olympia. During the fall, the Puget Sound Agricultural Company conceived the design of asserting

a claim, under the treaty of June 15, 1846, to the immense tract called the Nisqually claim. The agent of the company proposed to claim, also, land south of the Nisqually river, and caused a large band of cattle to be driven across the river. A citizens' meeting was held at New Market (Tumwater), and a committee appointed to wait upon Dr. William F. Tolmie and remonstrate against such act. The committee presented to Dr. Tolmie their resolutions and proceedings, demanding the removal of the stock to the north side of Nisqually river. The demand was at once complied with. There seems to have been some little feeling on the part of the settlers; but the interview of the committee with Dr. Tolmie was of the most peaceable character; and he made no objections to carrying out the expressed wish of the citizens.

Upon the adjournment of Congress in August, 1848, *soi-disant* Delegate J. Quinn Thornton embarked from New York for Oregon, in the *Sylvie de Grasse*, where he arrived in May, 1849. His companion, not colleague, was more fortunate in securing an appointment under the newly created territorial government. Joseph L. Meek was the first United States Marshal for Oregon Territory. To General James Shields, of Illinois, the President tendered the commission of governor, but he declined; and the office was conferred upon, and accepted by, General Joseph Lane of Indiana. Kintzing Pritchett, of Pennsylvania, was appointed secretary of the territory. To the Supreme Bench were commissioned William P. Bryant of Indiana, Chief Justice; James Turney of Illinois, and Peter H. Burnett of Oregon, Associate Justices; and Isaac W. R. Bromley, of New York, received the appointment of United States District Attorney, but declined. Astoria, under the Organic Act, was declared the port of entry of the District of Oregon; and General John Adair of Kentucky was appointed Collector of Customs. Mr. Turney declined the office of Associate Justice of the Supreme Court; and the President appointed Orville C. Pratt, a native of New York, residing in Illinois, but at that time in the service of the government in California. He was the first of the corps of territorial appointees to reach the territory (February, 1848).

Governor Lane and United States Marshal Meek, pursuant to instructions of the President, immediately started for Oregon, *via* San Francisco; but they did not reach Oregon City until March 2, 1849. On the 3d of March, 1849, Governor Lane issued a proclamation announcing his assumption of executive duties, and that the territory of Oregon was duly organized. Collector Adair reached the territory shortly afterwards (March 30th). There were, in the month of March, present in the territory, the following Federal officials: General Joseph Lane, Governor; Hon. Orville C. Pratt, Associate Justice; Colonel Joseph L. Meek, Marshal; General John Adair, Collector of Customs.

The organized territorial government had now superseded the Provisional government, —that government so emphatically "a government of the people, by the people and for the people." In its every official act, with scrupulous care, it had avoided invading the rights or offending the national prejudices of British subjects. In the language of its memorial of June 28, 1844, "by treaty stipulations, the territory has become a kind of neutral ground, in the occupancy of which the citizens of the United States and the subjects of Great Britain have equal rights, and ought to have equal protection."

Founded upon such principles, the national prejudices of every citizen not only tolerated, but deferred to, that government could not have been a failure. It was a grand success. In peace, it commanded the support of all its citizens, without distinction of race or nationality. Under its wise and judicious administration, its fruits were good order and prosperity. In the shock of battle, it stood the test. Unaided, neglected and alone,

it declared and maintained a successful war to redress the unprovoked wrongs, the unparalleled outrages, its citizens had suffered. From its own resources, it levied necessary troops, put them in the field, and there maintained them. Confided in by the people, in the hour of danger they promptly responded to the call of their constituted authorities. In the prosecution of the Cayuse war, the most historic feature of the pioneer period, was fully demonstrated the inherent strength of the Provisional government, the unity of feeling it inspired, and its entire capability to meet the requirements of the inhabitants of the territory in which it had exercised its functions.



J.A. RICHARDSON, M.D.
SALEM, OR.



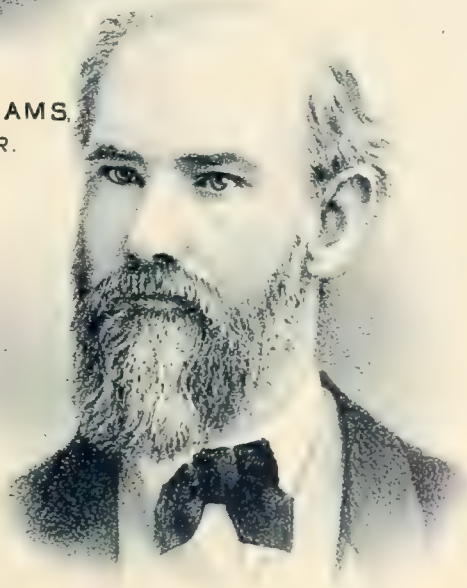
HON. S.F. CHADWICK,
SALEM, OR.



HON. GEO. H. WILLIAMS,
PORTLAND, OR.



HON. JOHN B. CONGLE,
PORTLAND, OR.



WM H. WATKINS, M.D.
PORTLAND, OR

Chapter XXXVI.

(1849–1851.)

Census—Superintendent Lane Visits Columbia River Tribes—Attack by Snoqualmies on Fort Nisqually — Murder of Leander C. Wallace — Hostile Attitude of Snoqualmies — White Settlers Build Blockhouses — Governor Lane Arrives at Tumwater — Judicial Districts Declared, and Judges Assigned — Sub Indian Agents Thornton and Newell — Election of Samuel R. Thurston, Delegate to Congress — Meeting of Legislature — Names of Counties Changed — Towns in Oregon — Sub-Agent Thornton Visits Puget Sound — Reward for Wallace's Murderers — Action Disapproved by Governor Lane — Thornton Resigns — Trial and Execution of the Murderers — Arrival of Mounted Rifle Regiment — Deserters to California Gold Fields — Surrender, Trial and Execution of Murderers of the Whitmans — Major John P. Gaines Appointed Governor — Governor Lane Resigns, to Take Effect June 18th, and Leaves for California Mines — Arrival of the United States Steamer Massachusetts — General Adair, Collector of Customs, Astoria — Seizure of the British Ship "Albion" at New Dungeness — Survey of Columbia River — Lieutenant McArthur — The Ship "Albion" Condemned as a Forfeiture — Seizure and Release of the Schooner "Cadboro" — Progress of Settlements on Puget Sound — Oysters Discovered at Shoalwater Bay — United States Census, 1850.

AMONG the earliest acts of Governor Lane's administration was that directing a census to be taken. The population numbered 9,083, of whom 8,785 were citizens, and 298 foreigners. There were 5,410 males and 3,673 females. In the counties of Vancouver and Lewis, embracing all of Oregon north of the Columbia river, the total population was 304, of whom 189 were citizens, and 115 foreigners; the males numbered 231, females 73.

The Organic Act constituted the governor *ex-officio* superintendent of Indian affairs. In the latter capacity, Governor Lane immediately inaugurated an efficient Indian policy. He made an official visit to The Dalles, on his way interviewing and counseling with the chiefs and head-men of tribes and bands on both sides of the Columbia. The abandonment of his designed journey further eastward was occasioned by advices received at The Dalles, from Puget Sound, of the murder, on the 1st of May, of Leander C. Wallace, an American settler, by Snoqualmie Indians, in the attack made by them upon Fort Nisqually. "About noon, a large armed party of Snoqualmies and Skewhamish arrived and took up their position before the water-gate, where they had an affray with our people, in which an American, Wallace, was killed, and Lewis slightly wounded. One of the enemy was killed, and another wounded. The cause and commencement of the difficulty are as follows: As the horn blew for dinner, a large party of Skewhamish and Snoqualmies were reported to have arrived. Our working and other Indians immediately commenced running into the fort, bringing with them their movables. When dinner was over, a large party of Snoqualmies, to the number of about one hundred, were observed advancing

across the plain on the northwest side of the fort; part went to Lahalet's (the Squally chief) lodge, and the others gathered around the water-gate, where they were soon after rejoined by the others. On being asked the reason for making such a warlike demonstration, they replied that young Lahalet, married to a daughter of one of their petty chiefs, was treating his wife brutally, and they had come to see about it, and did not come with the intention of harming any Whites. The chief, Patkanim, was then invited into the fort; to the others was given tobacco to smoke the pipe of peace, for which they retired to one of the deserted lodges. We took the precaution of placing two armed men (Thibeault and Gohome) at the gate, with orders to let none of them in. I also took my gun and went about among our Indians, who were sweeping out the fort. I had just taken a turn around them when I heard a shot. I repaired to the gate, and found that it had been fired by Gohome in jest. I reproved him for so doing. Soon after I arrived at the gate, four or five of the worst Snoqualmies came rushing to the gate. One of their number, Cussass, rudely pushed Gohome into the fort. I demanded why he did that, and told him to keep quiet. He answered only with insolence. I then put him out, upon which he cocked his gun and drew his dagger, making two or three thrusts at me. Wren, standing a piece off, was called in. I then directed that the gate be closed; but, finding Wren shut out, it was again opened. Wren, upon entering, seized one of their guns; whereupon a scuffle ensued, and the gun falling between the door and post, prevented closing it. I observed Cussass pointing his gun at me. I presented mine, and, as I thought, fired first; but it is maintained by friendly Indians outside that one of the Snoqualmies (Quallawowt), provoked by a blow given by Wren, with the butt end of a gun, to one of their chiefs, fired at him (Wren), but missing him, my shot followed. A good many shots followed, and the gate closed. We then took to the bastions; but our people taking time to get armed, by the time they were at their stations the enemy were out of shot, running across the plains to their canoes. Patkanim, who was in the fort at the commencement of the row, escaped after the closing of the gate, unperceived by our people, young Lahalet (Wyamoch) showing him the way. Wallace and Lewis were outside when the affray commenced, and did not respond to the call of 'all hands come in and shut the gate.' They perhaps thought themselves secure from harm, as they were Americans, and did not belong to the fort. Cussass is said to have shot poor Wallace. Lewis had a wonderfully narrow escape; one ball went through his vest and trousers, and another grazed his left arm. S'Geass, an Indian, was wounded in the neck, and a medicine-man (a Skewhamish) was killed; also, a Snoqualmie was wounded in the shoulder. We do not suppose that the war party came here with the intent of attacking us, but think they had some other object in view besides the affair with Lahalet. One circumstance proves that they thought lightly of quarreling with the Whites. When tobacco was handed to them, Quallawowt asked if it was not poisoned; and none of the Indians would touch it until some one had previously smoked and chewed it. The Snoqualmies and Skewhamish are the terror of all tribes south of the Soquamish" (1).

There was but little doubt that the intention of the Snoqualmies was to capture Fort Nisqually. If that scheme had succeeded, it was to have been followed by a massacre of the Whites upon the Sound. Patkanim believed that the prestige which such an exploit would have secured to him would unite all the Sound Indians in an effort to exterminate the settlers. Although the attack failed, the Indians believed that they had provoked the enmity of the Whites. Committed therefore to war, and too far advanced to recede from

(1) Journal of Fort Nisqually kept by Walter Ross, Clerk.

their assumed hostile attitude, they notified the American settlers to leave the country, consenting that they could do this peaceably, provided they left their property. The settlers, construing these messages as declarations of savage hostility, prepared for defense. Blockhouses were built at Tumwater and Cowlitz, into which the settlers and their families sought refuge; then they notified Governor Lane of the situation.

With an escort of five soldiers, commanded by Lieutenant Hawkins, Mounted Rifle Regiment, the governor immediately visited Tumwater, bringing a supply of arms and ammunition. Before going farther, he learned of the arrival of the U. S. transport *Massachusetts*, with two companies of artillery, under Major Hathaway, U. S. Army. That officer offered to move a company immediately to Puget Sound. Governor Lane returned to the Columbia river. He addressed a communication to Dr. W. F. Tolmie, in charge of Fort Nisqually, requesting his co-operation. That gentleman was requested to notify the Snoqualmies of the arrival of troops in sufficient numbers to punish the hostiles for their past misdeeds, and also to warn them that, upon the commission of further outrages, they would be severely chastised. The officers of the Hudson's Bay Company at Fort Nisqually were also requested not to sell to Indians arms or ammunition. In July, Company M, First Artillery Regiment, U. S. Army, Captain Bennett H. Hill, was stationed at Fort Steilacoom.

On the 15th of May, the territory was divided by Governor Lane into three judicial districts; and the Judges of the Supreme Court of the territory were respectively assigned. The first district embraced Vancouver county and adjacent counties south of the Columbia river, to which Hon. Wm. P. Bryant, Chief Justice, was assigned. The second district, all other counties south of the Columbia river; and to it was assigned Hon. Orville C. Pratt, Associate Justice. All of Oregon, north of the Columbia river, except Vancouver county, that is to say, Lewis county as then defined, formed the third judicial district. As Hon. Peter H. Burnett, appointed Associate Justice, had never qualified, and no successor had been appointed, there was no assignment of a judge to hold the district courts in the third district.

In the meantime, the commissions of Robert Newell, George C. Preston and J. Quinn Thornton, appointed United States Sub Indian Agents for Oregon Territory, had been received by the Superintendent of Indian affairs. Mr. Preston did not accept. As there remained but two sub-agents, Superintendent Lane divided the territory by the Columbia river into a northern and southern district, assigning charge of the northern district to J. Quinn Thornton.

The election for delegate to Congress, and for the first Legislative Assembly, took place on the 6th of June. Of 943 votes polled for delegate, Samuel R. Thurston received 470, and was elected. On the 16th of July, the first territorial Legislative Assembly convened at Oregon City. Governor Lane's message was a practical document abounding in valuable suggestions, summing up the needs of the territory as proper subjects for memorials to Congress. Referring to those Cayuse Indians who were yet unpunished for the Whitman massacre and the murderers still at large, protected by tribes, he assured the assembly that chastisement should speedily follow their refusal to surrender the murderers, upon the arrival of the Mounted Rifle Regiment then *en route* to Oregon. Reference was also made to the murder of Wallace at Fort Nisqually; and to the demand upon the Snoqualmies to deliver the murderers for trial, assuring the Assembly that the tribe should be held responsible upon their refusal to surrender the guilty savages.

The legislature changed the names of several counties. Vancouver county became Clark, in honor of one of the leaders of the first overland exploration to the mouth of the Columbia river; Champoeg became Marion; the name Washington was substituted for Tualitan. An election law was passed, under which necessary county officers could be secured. The legislature fixed an early election day; and then and there the counties became thoroughly organized. The consummation and completion of territorial organization was effected.

The towns of Oregon were all within the Willamette valley; at the time that the territorial government entered upon its career, there were a number of aspiring little communities rejoicing in a name, more or less endeared by associations to the early settlers. Prominent among them were Astoria, St. Helens, Millton, Portland, Milwaukee, Oregon City, Champoeg, Lafayette, Albany, Corvallis (then called Marysville), Hillsboro and Salem. Milwaukee was the rival of Portland, the latter of which has since become the metropolis of that whole region,—the historic Oregon,—in fact, of Northwest America. How full of interest would prove the tracing of the trials and struggles of each community for prestige and precedence, so illustrative of the aspirations, the ambitions, the vicissitudes of pioneer life.

On the last of July, Sub-Agent Thornton visited Puget Sound, and was occupied several weeks in collecting data as to the Sound tribes, which he embodied in a report to Superintendent Lane. Some Indians were visited and some presents made; but most of the information acquired was contributed by Dr. Tolmie, Agent of the Hudson's Bay Company, in charge at Nisqually. Thornton's acts in regard to the surrender of the murderers he thus detailed in a report to Superintendent Lane: "On the 7th ult., I arrived at Fort Nisqually. I immediately proceeded to investigate the facts connected with the killing of Mr. Wallace. I sent messengers to Patkanim, head chief of the Snoqualmie tribe. I advised him to arrest the offenders and deliver them over to Captain B. H. Hill, and as an inducement offered him eighty blankets as a reward, if this were done in three weeks. I authorized Captain Hill, of the First Artillery, to double the reward, and to offer it in my name, as sub-agent, if the murderers were not delivered up in the three weeks."

That action of Sub-agent Thornton was most distasteful to Governor Lane. It was not only an unauthorized assumption of authority, but an interference, at direct variance with the plan Governor Lane had resolved to pursue. That official thus commented in his report to the Indian Bureau: "In my instructions to Mr. Thornton, I said nothing about the murder of Wallace, nor did I intend that he should interfere in the premises, as it was my intention, on the arrival of the troops at Nisqually, to visit the Sound and demand the murderers, and make the Indians know that they should give them up for punishment, and that hereafter all outrages should be promptly punished, being well satisfied that there is no mode of treatment so appropriate as prompt and severe punishment for wrong-doing. It is bad policy, under any consideration, to hire them to make reparation, for the reasons, to wit: First. It holds out inducements to the Indians for the commission of murder, by way of speculation; for instance, they would murder some American, await the offering of a large reward for the apprehension of the murderers; this done, they would deliver up some of their slaves as the guilty, for whom they would receive ten times the amount that they would otherwise get for them. Second. It has a tendency to make them underrate our ability and inclination to chastise by force, or make war upon them for such conduct, which, in my opinion, is the only proper method for treating them for such offenses." The disagreement between superintendent and sub-agent led to the resignation of the latter.



HIRAM SMITH,

PORTLAND, OR

Dr. Robert Newell went to the California gold mines; and Governor Lane was left to manage alone the Indian affairs of Oregon. Sub-Agent Thornton's reward had accomplished the surrender by the tribes to Captain Hill at Steilacoom of six Snoqualmie Indians. He held them as prisoners for trial.

As before stated, there was no judge to hold courts in Lewis county, within which was Nisqually, where the murder of Wallace had been committed, and the district in which the murderers must be tried. To obviate this difficulty, the legislature, then in session, at the request of Governor Lane, passed a special act providing for a term of court at Fort Steilacoom, in Lewis county. That county was attached to the first district for such purpose; and Chief Justice Bryant was empowered to hold a term of court at Fort Steilacoom on the first Monday of October. The report of that first trial at the first court held upon Puget Sound was furnished by Bryant, Chief Justice, to Governor Lane:

"In pursuance of the provisions of an act of the Legislative Assembly for the territory of Oregon, attaching the county of Lewis to the first judicial district in said territory, and appointing the first Monday in October at Steilacoom as the place of holding the District Court of the United States for said county, I opened and held said court at the time and place appointed. Captain B. H. Hill, of the First Artillery, U. S. Army, delivered to the marshal of the territory six Indians of the Snoqualmie tribe, given up by said tribe as the murderers of Wallace, namely, Cussass, Quallawowt, Stulharrier, Tatam, Whyerk and Qualthlinkyne, all of whom were indicted for murder. The two first named, Cussass and Quallawowt, were convicted and executed. The other four were found not guilty by the jury. Those who were found guilty were clearly so. As to three of the others who were acquitted, I was satisfied with the finding of the jury. It was quite evident that they were guilty in a less degree (if guilty at all). As to the fourth, there was no evidence against him; all the witnesses swore they did not see him during the affray or attack on Fort Nisqually.

"It is not improbable that he was a slave whom the guilty chiefs expected to place in their stead, as a satisfaction for the American murdered. Two others, Americans, were badly wounded by shots, and an Indian child, who afterwards died. The effect produced by this trial was salutary, and I have no doubt will long be remembered by the tribe. The whole tribe, I would judge, were present at the execution, besides a vast gathering of Indians from other tribes on the Sound. They were made to understand that our laws would punish them promptly for every murder committed, and that we would accept no satisfaction short of all who acted in the murder of our citizens.

"I appointed Judge Alonzo A. Skinner District Attorney for the time, and ordered that he be allowed for his services $250. And I also appointed, to defend them, David Stone, Esq., and made an allowance of record to him for $250. This compensation I deemed reasonable. They have to travel two hundred miles from their respective homes, camp in the woods, as well as all the rest of us, and endure a great deal of fatigue in the manner of traveling in *bateaux* and canoes by water. Many of the grand and petit jurors were summoned at a distance of two hundred miles from their homes; and although the transportation may have cost some more to the department than bringing the Indians into the more settled district, and with them the witnesses, with a sufficient escort for protection (which I doubt very much), yet I have no hesitation in believing that the policy pursued more than repaid any additional expense that may have been incurred."

The total expense of holding court to try those Indians was $1,899.54, to which should be added the reward of eighty blankets, making a total of $2,379.54.

An Act of Congress was passed May 19, 1846, to raise a mounted rifle regiment, for the purpose of establishing posts on the emigrant road to Oregon. The regiment was not raised until the spring of 1847, and then was ordered to Mexico. Greatly reduced in numbers while in that country, it was recruited in the spring of 1849, and ordered to Oregon. On the route, Fort Laramie had been established and garrisoned by two companies. At Cantonment Loring, located on Snake river about three miles above Fort Hall, one company had been stationed. The remaining companies, upon reaching Fort Vancouver, not finding sufficient quarters, marched to Oregon City, making that place their headquarters until the summer of 1850, when barracks at Fort Vancouver had been provided. Colonel W. W. Loring was in command. Troops were also stationed at Astoria, Fort Vancouver and Fort Steilacoom.

In the spring of 1850, desertions for the California gold mines greatly reduced the number of the regiment. So great had this evil become, that Colonel Loring was powerless to detail necessary parties to overtake and bring back deserters. He appealed to Governor Lane, who raised a party of volunteers, and with them followed and overtook a large number of deserters at the Rogue river and brought them back to Oregon City. Colonel Loring with a party captured others. The remainder escaped into California.

Since the governor's assumption of the duties of superintendent of Indian affairs, negotiations had been continuously carried on with tribes in the interior for peaceable surrender to the Oregon authorities for trial of the Cayuse murderers of Dr. Whitman and others at Waiilatpu. Early in May, news was received by Governor Lane that those savages would be surrendered at The Dalles. Telau-ka-ikt, Tamahos, Giaashetucteas, Clokomas and Kiamasumkin were delivered and brought to Oregon City for trial. The May term of the District Court for Clackamas county was in session. Hon. Orville C. Pratt was presiding Judge. Amory Holbrook (1), United States Attorney for Oregon Territory, conducted the prosecution. Indictments charging them with murder were found against the prisoners, and filed May 21st. F. W. Pettygrove was foreman of the Grand Jury. The Indians were ably represented and zealously defended by Secretary Pritchett, U. S. Paymaster R. B. Reynolds, and Captain Claiborne of the Mounted Rifles. On the 22d, the defendants filed a plea to the jurisdiction of the court, contending that, at the time of the alleged commission of the crime, the laws of the United States had not been extended over the territory; and that consequently the court had no jurisdiction of the crime charged. The plea was overruled. The trial proceeded on the 23d. It was with great difficulty that a jury was impaneled. The testimony of the inmates of Waiilatpu who had survived the horrid butchery conclusively fixed the guilt upon each of the accused. Sticcas, a witness for the defense, told how he had warned Dr. Whitman, and also Mr. Spalding, of the growing hostility of the Cayuse Indians. The Rev. Mr. Spalding was called by the defense to corroborate Sticcas; he admitted that he had himself received such warning. Dr. John McLoughlin and Osborn (one of the sojourners at Dr. Whitman's, who had testified for the prosecution) each gave testimony tending to show that Dr. Whitman had been fully advised of the temper of the savages, and was well aware of the danger which surrounded him and his household. Presumably such evidence must have been intended to show that he did not avoid the impending storm,

(1) Amory Holbrook had been appointed in the fall of 1849, as United States Attorney for Oregon Territory. In the month of December of that year he left his former home in Massachusetts for the territory via the Isthmus of Panama. He reached Oregon City early in May, 1850. This distinguished jurist, brilliant orator, able writer and ripe scholar was born in Rowley, Mass., August 15, 1820. He graduated at Bowdoin College in the class of 1841; studied law with Rufus Choate, to whom he was related; commenced the practice of law in 1845, at Salem, Mass., in partnership with Judge Perkins, and soon took a prominent position at the bar of his native state. In Oregon his many admirers will hold him in memory as a lawyer, editor, politician, the zealous Masonic writer and ritualist, and the fearless and independent expounder of his convictions. He died in the city of Portland, after a brief illness, on the 26th of September 1866.

which he might have done, or that he defiantly invited his doom; that measurably such failure on the Doctor's part to abandon his home and desert his post excused the perfidious wretches who slayed those innocents. It would seem, however, that the intention to kill must have been formed and talked of by those conspirators before the knowledge of danger could have been inferred, so as to justify its communication to Dr. Whitman or Mr. Spalding. Hence, the execution of those threats which had made the warning necessary was but the damning proof of long-continued and brooding malice and hostility to the presence of Americans at that station. Testimony was also offered to show the Indian theory as to medicine-men,—a sort of irresistible mania that inspires its possessor to murder one of that class who has lost a patient; but Judge Pratt denied its admissibility or relevancy. As to acts at Waiilatpu mission station during that memorable massacre, the defense offered but little testimony. The jury returned a verdict of guilty; the prisoners were sentenced to be hanged on the 3d of June. All except Kiamasumkin confessed actual participancy in the murder. He too admitted his presence, but denied striking a blow, or the actual commission of any deed which could result in killing.

The signing by Governor Joseph Lane of the death-warrant of the Cayuse murderers of the inmates of Whitman mission was practically the closing executive act, at the seat of government, of his patriotic administration. The news had reached Oregon in April, that Major John P. Gaines of Kentucky had been appointed in October, 1849, as successor of Governor Lane. The arrival of Governor Gaines was daily expected. On the 27th of May, Governor Lane advised the Secretary of War, by letter of resignation, that he had made arrangements for concluding a treaty with the Indians of the Rogue river valley, which would occupy till the 18th of June, which date he had fixed in such letter as the termination of his official duties. The treaty with the Rogue river tribes having been signed, Governor Lane left Oregon and went to the California mines (1).

By orders of the War and Navy Departments of the United States (November 30, 1848), Brevet Colonel J. L. Smith, Major Cornelius A. Ogden, and Lieutenant Danville Leadbetter, Engineer Corps, U. S. Army, and Commanders Louis M. Goldsborough, G. J. Van Brunt and Lieutenant Simon F. Blunt, U. S. Navy, had been constituted a commission "to examine the coast of the United States lying upon the Pacific Ocean, with reference to points of occupation for the security of trade and commerce, and for military and naval purposes."

In the spring of 1850, the U. S. steamer *Massachusetts* arrived in Puget Sound, remaining several months engaged in its thorough examination. The commission then examined the coast from Cape Flattery to the Columbia river. A party was employed in Shoalwater Bay; and the name Leadbetter's Point, the south cape of entrance, will continue a memorial of that thorough reconnaissance.

General John Adair, Collector of Customs, had arrived at Astoria by sea in April, 1849. By the Organic Act, the President had been authorized to locate two ports of delivery. This was done by proclamation, January 10, 1850, designating Nisqually and Portland. Information was lodged at the custom-house at Astoria, in April, 1850, that the British ship *Albion* was at Dungeness, on the Strait of Fuca, taking a cargo of spars, which were being felled on the neighboring shore by her crew and native Indians. In addition to this trespass on government lands, it was charged that a trade was being carried

(1) It must doubtless have been observed, that in previous pages, as will also mark the remainder of the labor assigned to me, I have studiously avoided crossing the Catapooia Mountains and entering Southern Oregon. The company projecting this historic enterprise wisely committed that field exclusively to my learned friend Judge L. F. Mosher. To the seeker after knowledge of the history of Southern Oregon, the part of the work dedicated to that field contributed by Hon. L. F. Mosher is heartily commended. E. E.

on between the ship and natives. Eben May Dorr was appointed United States Inspector, and sent to the Sound. Finding matters as reported, and that they had continued since January 5, 1850, he, with the assistance of a detachment of United States troops from Fort Stailacoom, commanded by Lieutenant John B. Gibson, Jr., seized the *Albion* and her cargo on the 22d of April, and took her to Steilacoom. This seizure became a subject of negotiation between the governments of Great Britain and the United States. The owner of the *Albion*, a London merchant, had contracted with the British government to supply a cargo of spars, to be obtained on the northwest coast of America. The master, Captain Henderwell, stated that his vessel proceeded direct from Sydney to the Strait of Fuca, anchoring at New Dungeness, January 5, 1850, after having "previously traversed the coast and into every place between said New Dungeness and the top of Port Townsend." The master made no attempt to *enter* his vessel, nor to obtain consent to cut timber. In his protest, he avowed ignorance that a port of entry existed in the terrritory. The following is quoted from the instructions to the master, dated March 23, 1849:

"We have got permission from the Hudson's Bay Company to cut timber on any part of Vancouver Island. On the south side of the strait is Port Discovery, a very good harbor, and I believe plenty of spars, *that now belong to the Americans;* and, if they are the best spars, I have authorized Captain Brotchie to arrange and purchase forest suitable for your purpose, provided he can purchase it very cheap. I mean on the American side of the strait."

Lieutenant W. P. McArthur, U. S. Navy, in command of the United States surveying schooner *Ewing*, during the spring and summer made a survey and chart of the Columbia river bar and harbor, extending his survey as far inland as Cathlamet. At the request of General Adair, collector at Astoria, Lieutenant McArthur accompanied that officer to Puget Sound to take charge of the seized ship *Albion* and bring her to the Columbia river (1). Insufficient crew and heavy winds caused Lieutenant McArthur (having brought her from Steilacoom to the strait), to return with her to Steilacoom, where she remained in charge of the garrison until adjudged a forfeiture by the District Court of the Third Judicial District of Oregon (2).

About the same time that the *Albion* had arrived at Steilacoom (May, 1850), Mr. Dorr seized the Hudson's Bay Company's schooner *Cadboro*, together with a quantity of goods imported from Fort Victoria direct to Nisqually. Governor Peter Skeen Ogden, in charge of Fort Vancouver, having given notice that an arrangement was desirable by which that vessel could go direct from Victoria to Nisqually instead of entering at the Columbia river, General Adair permitted entry to be made by the original invoices.

During this year, settlements on Puget Sound and north of the Columbia river were considerably extended; and there was a large increase of population in northern Oregon. Edmund Sylvester laid off and dedicated the Smithfield claim as a town, nominating it Olympia. The beautiful snowcapped mountains of the Olympic or Coast Range, which constitute the background of glorious scenery, enjoyed upon every clear day, looking northward from Olympia, prompted that classic name to Charles Hart Smith (a partner of Colonel Simmons), by whom it was suggested.

In July, the Bradfords, Bishop, Johnsons and F. A. Chenoweth located at the upper and lower cascades of the Columbia, establishing a town at the latter place, where a store was early opened by Messrs. George L. and George W. Johnson, T. B. Pierce and F. A. Chenoweth.

(1) Letter of General John Adair to Captain Jas. S. Lawson, U. S. Coast Survey, May 20, 1850.
(2) At the October term of the United States District Court, 1850, held at Vancouver, in Clark county, Hon. William Strong presiding, the ship and cargo were condemned as forfeitures to the United States, and sold at Steilacoom, November 23d. The Secretary of the Treasury, January 11, 1851, remitted the forfeitures.



MRS. HANNAH M. SMITH,
PORTLAND, OR.

On July 19th, Edward D. Warbass settled at the old Cowlitz landing, laid off a town called Warbassport, opened a store and engaged in the forwarding and commission business. On October 13th, Colonel Isaac N. Ebey took a claim on Whidby Island, from which Thomas W. Glasgow had been driven in the summer of 1848.

Oysters were this year discovered at Shoalwater Bay by Captain Feldstead, who shipped a quantity on his vessel to San Francisco, but failed to secure their arrival in good order. Anthony Ludlum then fitted out the schooner *Sea Serpent* and dispatched her to Shoalwater Bay for a cargo of oysters, which were safely delivered in San Francisco. Upon the arrival of the *Sea Serpent*, a company was formed who purchased the schooner *Robert Bruce*, and sent her to Shoalwater Bay, in command of Captain Terry. She arrived at the bay safely, commenced to load, but on the third day was burned to the water's edge. It is reported that the cook took all the laudanum from the medicine chest, drugged the food, thus stupefying the crew, and then set fire to the schooner. An old man named McCarthy, then the only inhabitant upon the bay, aroused and rescued the stupefied crew. They, being without means to leave the bay, erected cabins on the beach, continued to reside there, and were long known as the Bruce Company. The town Bruceport occupies the site of their settlement (1).

The United States census of 1850 exhibits a total population in Oregon of 13,294. Of this number, the total white population north of the Columbia river was 1,049, thus apportioned to the two North Oregon counties, viz.: Lewis county 457, Clark county 592. These figures indicate the return of Oregon gold-seekers from California,—a reaction in favor of Oregon settlement, a growing attention to the importance of the Puget Sound region and the territory north of the Columbia river.

(1) See a lengthy article on the "Oyster Trade of the Pacific Coast" in San Francisco *Bulletin*.

Chapter XXXVII.

(1850–1853.)

President Taylor's Appointments of Territorial Officers — Their Arrival in the Territory — Mail Service and Steamers Between San Francisco and Portland — Passage of Donation Law — Titles to Private Land Claims — Publication of Western Star, Oregonian and Oregon Statesman — Session of Legislature, 1850–51 — Building of Steamer Lot Whitcomb — New Counties Organized — Remodeling Judicial Districts — Location of Public Buildings — Death of Samuel R. Thurston — Arrival of Chief Justice Nelson — The Oregon Party — Election of General Lane as Delegate to Congress — Seat of Government Controversy — Quorum Supreme Court Meets at Oregon City, and Decides It to be the Seat of Government — Judge Pratt Holds Supreme Court at Salem — In a Letter Dissents from Justices Nelson and Strong — Quorum of Legislative Assembly Meets at Salem — Session of 1851–52 — Minority at Oregon City — Thurston County Organized — President Fillmore's Official Message on Capital Controversy — Congress Intervenes, Declares Salem the Seat of Government, and Ratifies Laws Passed Thereat, Session 1851–52 — Extra Session of Legislature — Renewed Personal Rancor Growing Out of Decision as to Iowa Laws in Force by Legislation of Provisional Government — Judge Deady's Historic Notice of "Steamboat Code" and the "Blue Books" — Progress of Settlements North of Columbia River, Legislation of 1852–53 — Creation of New Counties — Judicial Districts Reconstructed — Division of the Territory.

IN SEPTEMBER, 1849, President Zachary Taylor had appointed as officers for the territory: Major John P. Gaines of Kentucky, Governor; General Edward Hamilton of Ohio, Secretary; William Strong of Ohio, Associate Justice of territorial Supreme Court, in place of Peter H. Burnett, who had declined appointment tendered by President Polk. Those Federal officials, with their respective families, were tendered passage to San Francisco, *via* Cape Horn, in the store-ship *Supply*, then being fitted out at the Brooklyn navy yard for San Francisco, to transport supplies for the Pacific squadron, they providing themselves with private stores. That vessel, with the above-named party as passengers, sailed January 3, 1850. Upon arriving at San Francisco, they were transferred to the U. S. sloop-of-war *Falmouth*, about to sail for the Columbia river, and reached Astoria August 14, 1850.

The territory had been without a governor since June 18, 1850. In consequence of impaired health, Chief Justice Bryant had resigned and been compelled to return to Indiana. Associate Justice O. C. Pratt had been called to San Francisco to sit in several admiralty causes, thus leaving the territory without a judge. Present in the territory were Secretary Pritchett, acting as governor, United States Marshal Meek, United States Attorney Holbrook, Collector of Customs Adair at Astoria. On the 19th of August, Governor Gaines entered upon the duties of Executive. The other officials who had accompanied at once assumed their respective offices.

For several years a contract had been in existence between the United States Postoffice Department and Howland and Aspinwall for the transportation of United States mails by steam vessels between Panama and Oregon, *via* some port in California. A temporary modification of service until six months' notice had been given by the Postmaster-General had been made: "North of San Francisco the service might be performed in sailing vessels instead of steamers, on condition that mails should be received and delivered as often as once a month 'at or near Klamath river;' and vessels were to touch at San Francisco, Monterey and San Diego free of cost to the government." Delegate Thurston became advised of such condition of the mail contract of the Pacific Mail Steamship Company; and at his instance the six months' notice of abrogation of the temporary modification was given by the Postmaster-General. The notice expired June 1, 1850, after which the Pacific Mail Steamship Company were under contract to carry mails by steamships north of San Francisco. In June, 1850, the steamer *Carolina*, Captain Whiting, arrived at Portland from San Francisco carrying United States mails and passengers. At irregular intervals, but as often as once a month, she was succeeded by the *California*, *Sea Gull*, *Panama* and *Oregon*. But not until March, 1851, on the arrival on the coast of the Columbia, were established regular monthly voyages of ocean steamers between San Francisco and Portland for the transportation of the United States mails and passengers.

The 27th of September, 1850, marks the date of the approval by the President of the Act of Congress entitled, "An Act to create the office of Surveyor-General of the public lands in Oregon, and to provide for the survey and making donations to settlers of the said public lands," known as the "Oregon Land Bill" and usually termed the Donation Law.

What was the *status* of land titles in Oregon at the date of the passage of that law? The Organic Act (August 14, 1848) had made a definite grant to missionary societies for lands occupied at the date of the passage of that act; but the rights of settlers had been completely ignored. Happily, the condition of rights to soil vesting in the settler antecedent to the passage of the Donation Law had been judicially determined by the highest tribunal in the world, the most eminent judicial authority. In *Hall* vs. *Russell* (October term, 1879), Chief Justice Waite, in pronouncing the opinion of the Supreme Court of the United States, thus defined the situation:

"The anomalous condition of affairs in Oregon Territory when this act was passed has been heretofore brought to our attention. (*Stark* vs. *Starrs*, 6 Wall., 402; *Lamb* vs. *Davenport*, 18 Wall., 307; *Stark* vs. *Starrs*, 94 U. S., 447; *Barney* vs. *Dolph*, 97 U. S., 654.) For many years, the inhabitants had been without any government except that which they had themselves organized for their own protection. The ownership of the soil on which they lived was in dispute between the United States and Great Britain. Under the operation of treaty stipulations for the joint occupation of the territory, extensive settlements had grown up; and the people in governing themselves had adopted land laws which made occupancy the basis of ownership between settlers. While waiting for the contesting sovereign claimants to determine which of the two should be the acknowledged owner of the soil, they contented themselves with regulating their rights of occupancy as between each other, trusting to the bounty of the government under whose sole dominion they should ultimately fall for a grant of title to the land itself. The first of these acts was passed in 1844. ('Laws of Oregon,' 1843 to 1849, 77.) Under this, only free males over the age of eighteen, who would be entitled to vote if of lawful age, and widows, were entitled to hold a 'claim,' save that a married man under eighteen was not debarred. A claim was also confined to 640 acres or less.

"Permanent improvements and continuous occupation and cultivation were essential to the preservation of the rights conferred. Following this was the 'land law,' contained in the Organic Law of the Provisional government, which went into operation in 1846. ('Territorial Statutes of Oregon,' 1851, 32, article three.) This law relaxed somewhat the stringency of the former act as to actual occupation, and extended the privilege of establishing claims to all residents of the territory. By the act of Congress creating a territorial government for Oregon (9 Stat., 323), approved August 14, 1848, all laws theretofore passed in the territory making grants of land, or otherwise affecting or incumbering the title of lands, were declared void; but all other laws in force under the authority of the Provisional government were continued in operation so far as they were not incompatible with the Constitution or the principles and provisions of that act. All laws passed by the legislative assembly of the territory were to be submitted to Congress, and, if disapproved, were to be null and void. (Section six.)

"Doubts having arisen whether, after the establishment of the territorial government, the land law of the Provisional government was in force, an act of the territorial legislature was passed September 22, 1849, expressly declaring it to be so; and some additional provisions were made consistent with the title of the new act, which was 'An Act to prevent injuries to the possession of settlers on public lands.' ('Territorial Laws,' 1851, page 246.) By section five of this act, it was provided that 'land claims shall descend to, and be inherited by, the heirs-at-law of the claimant in the same manner as provided by law for the descent of real estate.' On the 26th of September, 1849, 'An Act respecting wills' was passed by the territorial legislature. ('Territorial Statutes,' 1851, 27.) By this act, every person of twenty-one years of age and upwards, of sound mind, might, by 'last will devise all his estate, real, personal and mixed, and all interest therein, leaving to the widow her dower.' Before the passage of the act of September 12th, if a person died in the lawful possession of a land claim, it formed part of his personal estate, and was to be disposed of by his executors or administrators for the benefit of his legal heirs. ('Laws of Oregon,' 1843 to 1849, page 61.)

"It was in the midst of this condition of affairs that the Donation Act was passed. Congress had the right, on assuming undisputed dominion over the territory, to confine its bounties to settlers within just such limits as it chose. The settlers had no title to the soil; and the legislation under the Provisional government, as well as that by the territorial legislature, had no other effect than to regulate possessory rights on the public domain in the absence of congressional interference."

In the case first cited (*Stark* vs. *Starrs*), the Supreme Court of the United States had referred to the "land system" of the Provisional government of Oregon. Mr. Justice Field, in delivering the opinion of the court, used the following language:

"It (the Donation Law) substantially gave to every settler, upon certain conditions, the land which he occupied, excepting only mineral and saline lands, and such parcels as might be reserved by the President for forts, arsenals and other public uses. The law, as well observes Mr. Justice Deady, in the able opinion from which we have already cited (*Lownsdale* vs. *City of Portland*), 'was a system complete within itself, and admirably adapted to the conditions of the people and the country as it found them,' and was 'a practical recognition and confirmation of the land law of the Provisional government.'"

The language used by Mr. Justice Deady, and referred to in such commendatory terms, was embodied at length and constituted part of the opinion of the Supreme Court in *Stark* vs. *Starrs*, 6 Wallace, 415.

"It is well known," says Mr. Justice Deady of the United States District Court of Oregon, "that at the time of the organization of Oregon Territory, an anomalous state of things existed there. The country was extensively settled, and the people were living under an independent government established by themselves. They were a community in the full sense of the word, engaged in agriculture, trade, commerce and mechanical arts, had built towns, opened and improved farms, established highways, passed revenue laws and collected taxes, made war and concluded peace. As a necessity of their condition, and corner-stone of their government and social fabric, they had established a land law, regulating the possession and occupation of the soil among themselves. That all this was well known to Congress would be highly probable from its historic importance, and is certain to have been so from the language of the act itself. The leading feature of the land law of the Provisional government was that which provided that every male inhabitant of the country, over a certain age, should hold and possess 640 acres of land. The uses to which the land might be put to was immaterial. In the disposition of the public land, this state of things called for peculiar legislation, different *in toto* from that required in an unsettled country."

In brief general terms, the Donation Law was intended to secure to each settler, upon his compliance with conditions imposed by that act, the land claim which he had taken under the land law of the Provisional government, and occupied at the time of the passage of the Donation Law.

Nor are we without direct congressional expression that the animus of that legislation was also recognition that Congress had stimulated immigration by promising land grants (1).

"Our claims to this country (Oregon) were endangered, the jealousy and patriotism of the country were aroused. In view of this state of things, the expedient of donating land in liberal quantities to all American citizens who should go there and settle was debated. *The advocacy of the policy, though general, was no more so than the conviction universal, that these grants would be made by Congress.* Had it not been for treaty stipulations which forbade such action, Congress would long previous to 1848 have made provisions for such donation. Such donations were based upon public sentiment and congressional action; and without such expectation they never would have emigrated to the country, which would therefore have remained unsettled by American citizens to this day. Among the benefits accruing to the government from the settlement of that territory by Americans was a speedy settlement of the question of title in dispute between the United States and Great Britain, enlarging the commerce of the United States, and laying the foundations of the new and mighty states upon the Pacific coast."

Congress had, about the time that emigration commenced from the western States to Oregon, committed itself to the policy of donating lands to actual settlers, in consideration of colonizing or defending the territory. In view of Indian difficulties in Florida, Congress passed a law which provided that any person being the head of a family, or a single man over eighteen years of age, able to bear arms, who had made or should, within one year from and after the passage of the act, make actual settlement, should be entitled to one quarter section" (2).

Hence it may be stated without fear of contradiction that the government was committed to the policy of granting lands to actual settlers, whose presence in the territory were invited for the purpose of recovering, reclaiming or holding occupancy of the territory.

(1) Report of Commissioner of House of Representatives No. 471 Thirty first Congress first session

(2) Act of Congress approved August 4, 1842 "Act for the armed occupation and settlement of the unsettled part of peninsula of East Florida."

In the passage of the Donation Law, Congress clearly recognized the fact that its own proceedings for a series of years had fully warranted the Oregon Provisional government in forming its land law, in the anticipation that the national government would sanction such legislation by grants to actual settlers. In such a view, the act of September 27, 1850, may be accepted as a redemption by Congress of that *pledge*, which seems to have been implied from the significant circumstance that each branch of Congress, separately, 'tis true, yet year after year, had encouraged settlement of the country by incorporating in each measure introduced and discussed, nay more, passed by one or the other House, though concurrent action or perfected legislation had been uniformly defeated because of the existing Joint-Occupancy Treaty of 1827. Those ideas would seem also to have actuated Congress in defining beneficiaries of the act, in fixing the area of land grants, and prescribing boundaries. Two classes were created; the quantity of land granted was made contingent upon the time of arrival in the country.

The first class embraced "every white settler or occupant of public lands, American half-breeds included, over the age of eighteen years and a citizen of the United States, or who had declared his intention to become such, or who should, on or after December 1, 1851, make such declaration, then residing in the territory, or who should arrive therein prior to December 1, 1850. To such, the act granted a half section, or 320 acres, if a single man; or, if married, an entire section, or 640 acres, one-half to the husband and the other half to the wife, in her own right. The second class included white male citizens above the age of twenty-one years, or persons above the age of twenty-one years who had made declaration to become citizens, settling in Oregon after December 1, 1850, and prior to December 1, 1853, and all white male American citizens not before provided for, who shall have become twenty-one years of age in the territory between December 1, 1850, and December 1, 1853. The amendatory act of February 14, 1853, extended the time from December 1, 1853, to December 1, 1855. To the second class was granted a quarter section, or 160 acres, if a single man; or, if married, a half section, or 320 acres, one-half to the husband, and the other half to the wife, in her own right.

The Donation Law, as originally passed, required four years' residence and cultivation, making all sales or contracts of alienation void till patent issued. The amendatory act rendered contracts of sale or other disposition valid after four years' residence. It also provided that, in lieu of four years' residence, the settler might, after two years' residence, commute by payment of one dollar and twenty-five cents per acre. The subsequent amendatory act, approved July 17, 1854, still further reduced the term of residence to one year, with the privilege to commute by purchase at one dollar and twenty-five cents per acre. The donation system expired by limitation, fixed in the last amendatory law, upon December 2, 1855. Number of donation certificates issued in Oregon, 7,317; area of land covered by certificates, 2,563,757; number of donation certificates issued in Washington Territory, 985; area of land covered by certificates, 290,215.

Despite the pledges of the government to the settler, despite the hardships of pioneer life,— the hard task to earn those lands too often by four years of solitary confinement at hard labor, for such it was in those early days,— yet every excuse has been sought, every technicality has been resorted to, to defeat claims, to set aside proof, to deny recognition of the settler's title. Numerous patents for those so-called donations remain unissued to those who helped to regain the country, who defended it from savage warfare before the government commenced to perform its duty, who prepared it for the homes of American men, women and children, who prepared the way for the establishment of Pacific commonwealths.

John B. Preston of Illinois, who was appointed by President Taylor first Surveyor-General of the territory, reached Oregon City April 21, 1851, where he established his office and at once entered upon his official duties. Surveys of public lands were commenced in October; and on the 5th of February, 1852, the first township plats had been filed, at which date notice was given to settlers on surveyed townships that the Surveyor-General was prepared to receive from them notifications of their respective claims as provided by section six of the Donation Law.

On the 29th of November, 1850, Lot Whitcomb commenced the publication of a Democratic newspaper at Milwaukee called the *Western Star*, of which John Orvis Waterman was editor. In the May following, Waterman and William D. Carter, printer, purchased the office and removed it to Portland, where the paper was published under the name of the *Portland Times*. On the 4th of December, 1850, Thomas J. Dryer issued the first number of the *Oregonian* at Portland. From its birth it has ever continued to be conducted with marked ability and thorough devotion to the interests of the whole Northwest. During the session of the legislature (winter of 1850), Asahel Bush had been elected public printer. In the month of March (1851), he commenced the publication at Oregon City of the *Oregon Statesman*. Its distinguished editor advocating with most earnest zeal the removal of the seat of government to Salem, the publication office of that journal was early afterwards transferred to that city. Partisanship of bitterest and most ultra character was the great feature of that time. The newspapers either caught the infection or fanned the flame. Dryer was the recognized Whig journalist of the territory. Bush was the acknowledged champion of the Democracy and so-called Democratic measures, and quite as severe as his Whig rival in denouncing those with whom he differed. Each successfully vied with the other in personal rancor, in bitterness of personal retort. For a period, "Oregon Journalism" became and continued to be the recognized synonym for utter disregard of editorial courtesy and civility of expression or demeanor to each other, or to a political opponent. Never, perhaps, to a greater degree, were differences as to political opinions or party fealty made occasion to mar and destroy social relations, to alienate the good feeling and peace of the community. But that abnormal condition of society, that perversion of the great mission of the press, has happily changed. Those scars have all been effaced. The impulsive and impetuous Dryer, so bitter to opponents, so generous to friends, has gone to his reward. Bush lives at a green old age, respected and esteemed as one of Oregon's most conservative and public-spirited citizens. The acerbities of partisanship strife have been allayed. The happy task alone remains to attest appreciation of the zeal, commend the industry and express admiration of that genuine ability exhibited by those brave pioneers in the politics and journalism of Oregon, at the dawn of the last half of the nineteenth century.

On the 2d of December, 1850, the second session of the territorial Legislative Assembly convened at Oregon City. W. W. Buck of Clackamas was elected President of the Council, and Dr. Ralph Wilcox of Washington Speaker of the House of Representatives. George L. Curry was chosen Chief Clerk of the Council, and Asahel Bush Chief Clerk of the House. Governor Gaines delivered his first annual message, mainly devoted to recommendations as to the expenditure of congressional appropriations for territorial buildings and purposes. Among the appropriations to which reference was made was the sum of $5,000 in his hands for building a capitol, to which sum should be added a late appropriation of $40,000.

During the fall, Lot Whitcomb had been engaged in constructing a steamboat to run upon the Willamette and Columbia rivers. Soon after the legislature had convened, a public meeting was called (December 7th) in the hall of Representatives in Oregon City, consisting of legislators, public officials and citizens. It was resolved that the steamboat in process of building at Milwaukee should be named "Lot Whitcomb of Oregon"; and a stand of colors was presented to Mr. Whitcomb by a committee, consisting of Governor Gaines, Hon. Samuel Parker and Hector Campbell. On Christmas day, the steamer was launched, Governor Gaines christening her. In the salute, Captain Morse of the schooner *Merchantman* was killed by the explosion of a cannon. In January, she made her trial trip to Astoria, and thereafter ran as a regular passenger and freight packet, commanded by Captain John C. Ainsworth; her engineer was Jacob Kamm.

The county of Pacific (north of the Columbia river) and Lane and Umpqua counties in the southern part of the territory, were organized at this session. The judicial districts were remodeled as follows: First District, Clackamas, Marion, Linn and Lane; Second District, Washington, Yamhill, Benton, Polk and Umpqua; Third District, Clatsop, Lewis (including Pacific) and Clark. Most of the session was spent in acrimonious debate upon the removal of the seat of government, and as to the powers of the governor to act concurrently with the assembly in the application of certain funds appropriated by Congress for the erection of suitable public buildings for the territory at its seat of government.

In Provisional government times, by the act of June 27, 1844, Willamette Falls, or Oregon City, had been designated as the place for the Legislative Assembly to hold its sessions. Later, in 1845, a law was enacted by which that place had been designated as the seat of government. At that place the first session of the Oregon territorial legislature had met, which legislature, by section fifteen of the Organic Act, was empowered "at its first session, or as soon thereafter as practicable," to locate and establish the seat of government. That first session adjourned without fixing either time or place for the next session of the assembly. On April 6, 1850, Governor Lane called an extra session of the legislature, to meet at Oregon City May 6, 1850. At that extra session, a resolution was passed "that the Legislative Assembly will meet on the first Monday of December next." Under those circumstances the present session was held at Oregon City.

A bill was introduced, entitled, "An act to provide for the selection of places for the location and erection of the public buildings of the territory of Oregon," the consideration of which occupied much of the session. The bill consisted of ten sections, the first of which located the seat of government at Salem; the second established the penitentiary at Portland; the third located the territorial university at Marysville (Corvallis), and provided for the sale of university lands to erect suitable buildings for such university. By other sections, commissioners were appointed to regulate the erection of buildings. Their duties were defined and their powers enumerated. It was the contention on the part of the friends of Oregon City as the capital, that such act was null and void because it was in express violation of the territorial Organic Act. That section six of said act, among other things, provided: "To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title." That this act embraced more than one object; that its objects were not expressed in the title; and that it failed to conform with the above expressed rule, and therefore was a nullity;



P. A. MARQUAM,
PORTLAND, OR.



MRS. EMMA MARQUAM,
PORTLAND, OR



GEN[L] STEPHEN COFFIN.



HON. ELISHA P. FERRY,
SEATTLE, W. T
FIRST GOVERNOR OF THE STATE OF WASH.



HON. MILES C. MOORE,
WALLA WALLA, W. T.
LAST GOVERNOR OF THE TER OF WASH.

that as Oregon City had been recognized by the legislature as the capital, it must so remain until by proper legal enactment another place shall have been lawfully fixed as the seat of government.

The Location Bill was called the Omnibus Bill because of its many sections, its several purposes securing all necessary public buildings. The controversy in regard to it soon assumed partisan shape. The bill passed on the 1st of February, 1851. In the council, it received six votes to three; by the House it was passed by a vote of ten to eight. On the 3d of February, Governor Gaines sent a special message to the Assembly, in which he conceded the right of the Assembly to locate the seat of government, but claimed that after the location it was his province to act in conjunction with the Assembly in the expenditure of the appropriation. He declaimed against the act as violating section six of the Organic Act, and asserted it was therefore a nullity. Again he invoked the Assembly not to adjourn without carrying into effect the recommendations of his message as to the erection of the public buildings, for which appropriations had been made by Congress. To the Location Bill as passed he expressed his dissent, and refused to participate in its execution. The legislature, fretting under these suggestions, or, as they called it, "interference," passed a resolution that neither his annual nor special message should be printed with the journals.

Before adjournment, the legislature passed a joint resolution providing for the annual session of the Legislative Assembly to be held on the first Monday of December, at the seat of government.

On the 5th of February, 1851, at the request of Governor Gaines, United States Attorney Holbrook rendered an official opinion that the act was invalid because in direct violation of the last clause of the sixth section of the Organic Act, inasmuch as more than one object is embraced in the law, all of which objects are not expressed in the title (1). On the 6th of February, Governor Gaines inclosed copies of the Location Bill, his special message of February 3d, and the opinion of the United States Attorney, to the Attorney-General of the United States, requesting an official opinion as to the validity of the act;—whether the Legislative Assembly can lawfully assemble at Salem at its next session, and whether the bond authorized to be taken by said act would have any binding force (2). The matter having been referred to the Attorney-General by President Fillmore, the Attorney-General, John J. Crittenden, replied, April 23, 1851 (3):

"The only Acts of Congress which I have found relating to the subject are, 'An Act to establish the Territorial Government of Oregon,' passed August 14, 1848, and 'An Act to make further appropriations for public buildings in Minnesota and Oregon,' passed June 11, 1850.

"By the first of these acts, the legislative power and authority are vested in the Legislative Assembly of the territory, consisting of a council and House of Representatives; and the concurrence or approval of the governor is not requisite to the validity of acts of the legislature. The power 'to locate and establish the seat of government for said territory,' is expressly given to the Assembly by the fifteenth section of that act.

"It may be a question how far this general and exclusive power of legislation has been qualified by the Act of Congress of June 11, 1850, in instances therein embraced. That act in its first session provides, 'that the sum of twenty thousand dollars each be, and the same is hereby, appropriated to be applied by the governors and Legislative Assemblies

(1) Executive Document No. 96, House of Representatives, thirty-second Congress, first session, page 5.
(2) *Ibid*., page 1. Executive Document No. 44, *id*., page 3.
(3) *Ibid*., page 6. *Id*., page 5.

of the territories of Minnesota and Oregon, at such place as they may select in said territories for the erection of penitentiaries;' and in the third section it further provides, 'that the sum of twenty thousand dollars, etc., be, and the same is hereby appropriated, etc., to be applied by the governor and Legislative Assembly of the territory of Oregon, to the erection of suitable public buildings at the seat of government of said territory.'

"This last section does not conflict with the previous exclusive power of the Assembly to 'locate' the seat of government. But the seat of government once fixed by the Assembly, it does not give him, the governor, concurrent and equal authority with them in the application of money to the purpose designated. In reference to the use of this money, the legislative power of the Assembly is qualified; and they cannot dispose of it without the concurrence of the governor.

"In regard to the appropriation for the erection of a penitentiary in Oregon, the act is too explicit to leave any room for construction. That money is to be applied, 'by the governor and Legislative Assembly of Oregon, at such place as they may select for the erection of a penitentiary.' By the force of this language, the governor must have concurrent and equal power with the Assembly, not only in the application of money for the erection of necessary buildings, but in the selection of the place where they are to be erected.

"On the other topics presented in the message of Governor Gaines, and in the written opinion of the United States Attorney, it is unnecessary for me to say more than that I entirely concur in the views expressed by those gentlemen.

"The Act of Congress which established the territorial government of Oregon, and from which its Legislative Assembly derives its existence and power, expressly and imperatively declares that, 'to avoid improper influences which may result from intermixing, in one and the same act, such things as have no proper relation to each other, *every law* shall embrace but one object, and that shall be expressed in the title.'

"That the Act of the Legislative Assembly in question does 'embrace more than one object,' and that it is, therefore, in violation of the Act of Congress, is a proposition that cannot be made plainer by argument. The same Act of Congress declares what shall be the consequence of such violation of its provision, namely, that the territorial act 'shall be utterly null and void.'

"My opinion, therefore, of the act in question is, that it is null and void in all its parts, and consequently can give no legal validity to any thing done under color of its authority."

On the 9th of April, 1851, Samuel R. Thurston, first delegate to Congress, while returning to Oregon on the steamer *California*, died at sea between Panama and Acapulco, at which latter place he was buried. Mr. Thurston was born in 1816, at Monmouth, Maine; graduated at Bowdoin College, class of 1843; studied law at Brunswick, and having been admitted to practice, married and migrated to Burlington, Iowa, in 1845, where he edited the *Burlington Gazette* until 1847. That year he crossed the plains to Oregon. In politics an ultra Democrat, yet at the period he reached the territory, and at the first election, party lines had not been strictly drawn. Citizens divided more upon sympathy with, or avowed opposition to, the Hudson's Bay Company. The Methodist Mission, or rather those who had been identified with it (for it and they still retained their prestige), constituted the *nucleus* about which had rallied the elements of hostility, actual or passive, to the Hudson's Bay Company's influence in the territory. Of Methodist predilections, Thurston, with his whole ardent nature, espoused the Anti-Hudson's Bay

Company party. To that course, not to partisan politics, nor to having been a Democrat, was he indebted for election as Oregon's first delegate to Congress. To him must be accorded decided ability, eloquence of a high order both as a stump speaker and debater, untiring industry and earnestness of purpose. All must commend his zeal to accomplish a result, while hesitating to approve the means resorted to. He was a politician who worked mainly for personal success and popular applause; nor did he scruple as to the means to gratify his ambitious desires. He was an industrious and efficient representative, and accomplished much useful legislation for his constituency. By authority of the legislature of his adopted territory, his remains were exhumed at Acapulco and brought to Salem, the seat of government, and there by the representatives of the people was caused to be erected by the territory of Oregon a marble monument to his memory. On one face are the words "THURSTON, erected by the People of Oregon," with a fac-simile of Oregon's great seal. Another face records in full his name, his age, date of his death; and yet another side attests: "Here rests Oregon's first Delegate, a man of genius and learning, a lawyer and statesman, his Christian virtues equaled by his wide philanthropy. His public acts are his best eulogium." Let that laudatory tribute to eminent ability by grateful admirers be his requiem. Let the remembrance of intellectual greatness and successful labors so conspicuous as to warrant that high-wrought eulogy efface the recollections of any error in the short but brilliant career of a youthful, impulsive, perhaps too impatient, seeker for political fame.

On the 21st of April, Thomas Nelson of New York, who had been appointed Chief Justice of the Supreme Court of the territory in place of William P. Bryant, resigned, arrived at Oregon City. He was accompanied by Associate Justice Pratt, who had returned from San Francisco. For the first time since the organization of the territory, a full bench was present; the three judicial districts had assigned judges on duty within their respective districts.

In company with Chief Justice Nelson came the "Oregon party," as it was known and named by their fellow travelers on those notable voyages of the *Empire City* on the Atlantic side, and the *California* from Panama to San Francisco, including several gentlemen who became prominently identified with Oregon history and progress, and who filled the highest offices in its State government. Among them may be named Surveyor-General Preston, with his family, Stephen F. Chadwick, who so creditably discharged his duties as Secretary of State, and acquired distinction as governor, and L. T. Moody, one of the most practical of Oregon's governors. That party lost its most brilliant member by the death of Oregon's first delegate (1).

At the general election (June 2, 1851), General Joseph Lane, Democratic nominee for delegate to Congress, was elected, he receiving 2,093 votes to 548 for his competitor, William H. Wilson. Such a triumphant majority was in a great measure attributable to the personal popularity of General Lane. He was a favorite with all classes. He had justly endeared himself to the people by his efficient and patriotic administration as governor and superintendent of Indian affairs, and by his gallant and disinterested services against the savages in Southern Oregon. His election was also a tribute of grateful admiration to an old soldier and hero, who had done meritorious service in the wars of the republic. He was a born leader of men. He claimed not the eloquence of the schools. He possessed to a marvelous degree that greater power, that eloquence of action,

(1) Manuscript notes by Governor S. F. Chadwick, entitled "Oregon Party." They left New York on the steamer *Empire City* March 13, 1851, *via* Isthmus of Panama, from whence they came to San Francisco on the steamer *California*, and arrived at Oregon City April 21, 1851.

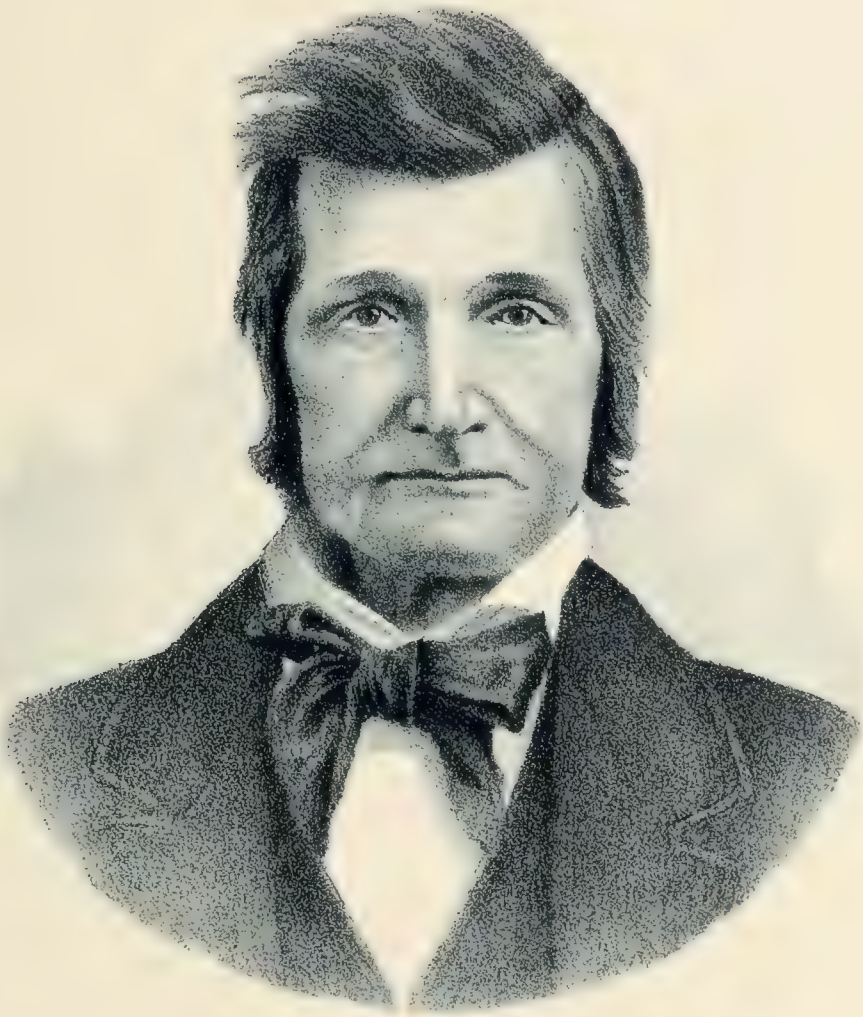
that magnetism, which asserted personal sway whenever occasion required it. In the merited tribute paid to his memory by his friend, companion and copatriot, the late Senator Nesmith (the text but slightly altered to give it individual application), will be found most faithfully portrayed those qualities which marked his character and were the elements of his great popularity:

"He was the product of a frontier civilization. Nature had been more lavish to him in her bounties than had the schools. He had gained great distinction in the military service of the country; yet simplicity of character, honesty and directness of purpose, sympathy with the people, were his great characteristics. He was a brave, unselfish patriot, whose chief, nay, whose only, desire was the welfare of his fellow citizens."

The "Location Question" had permeated, saturated and poisoned the politics of the territory; it had been an issue in the election. The Whigs in the main acted in sympathy with the Whig Executive. Democrats as naturally opposed, and hence the location controversy to a great extent became a party issue; but here and there local interest made it a local rather than a political question. As the time for the meeting of the Legislative Assembly and the Supreme Court approached, the feeling, not to say excitement, intensified. The question "where was the seat of government?" in the very nature of things had to be met and answered. Judges of the Supreme Court and members of the legislature were alike compelled to choose before entering upon the performance of required public duties. Each for himself must go to the seat of government, either to Oregon City or to Salem. Thus personal attendance in itself at either place practically indicated the decision reached, or the individual construction of the law. According to law, the Supreme Court must hold its annual term at the seat of government. The same law was applicable to render legal the session of the Legislative Assembly. That body also, to make its acts effective, was required to have performed them at the seat of government, and to have assembled on the day fixed by law.

Nelson, Chief Justice, and Strong, Associate Justice, constituting the quorum of the Supreme Court of the territory, assembled at Oregon City December 1, 1851, to hold its annual term. Thus and thereby they practically established that the Supreme Court, or at least a majority of its members, were of the opinion that such place was the seat of government. So remarked Chief Justice Nelson to counsel, when the plea was interposed in the case of *Amos M. Short*, plaintiff in error, vs. *Frederic Emalinger*, defendant in error, objecting to the two Judges proceeding with the case at Oregon City, that "said cause can be heard, determined and acted upon only by a majority of the Judges of the Supreme Court convened for the purpose of holding a term thereof at the seat of government, which said seat of government has been duly and legally established and now is at Salem." Argument on the plea was heard; the next day the plea was overruled, both Judges filing lengthy written opinions holding the Location Law invalid because of violating section six of the Organic Act. Pratt, Associate Justice, had opened court at Salem. He there waited for his brethren, maintaining that city to be the legally established seat of government. In a letter in reply to a request by the president of the territorial council, he dissented *in toto* from the reasoning and conclusion of the opinion by the majority of the court,—the decision of the court; for the law made a quorum the court, competent for all purposes.

On December 1st, the day fixed by law for the convening of the legislature, all the members of the territorial council (except Columbia Lancaster, of Lewis and Clark counties), and all the representatives (except four, to wit: Messrs. Matlock, Wait, Kinney and Brownfield), assembled at Salem. A quorum of both Houses being in attendance,



SAMUEL K. BARLOW,

A PIONEER OF 1845.

the council organized by the election of Samuel Parker, President. The House of Representatives elected William M. King, Speaker. On the 9th of December, a joint committee was appointed to draft a memorial to Congress relative to the conduct of the Federal officials. That censorious *animus* which dictated the movement was but another outcropping of the spirit of the times. The people had become more tenacious as to the location of their own seat of government, because "imported officials," as they were called, whom they had no agency in selecting, were attempting to thwart the exercise of such privilege. On December 18th, the memorial passed with great unanimity. It was a popular measure. Meetings followed in several counties, denouncing Governor Gaines, Judges Nelson and Strong, and other Federal appointees, and their acts, and upholding the Salem legislature and Associate Justice Pratt. That memorial was an able document; it severely arraigned the Federal officials for neglect of duty, and charged them with malfeasance and misfeasance in office. It championed the validity of the law which had made the location of the public buildings. It defended the legality of the proceedings of the legislative body then assembled at Salem. It ably criticised the opinions of the Supreme Court, pronounced by the two judges then in session at Oregon City as the Supreme Court. It claimed that faults committed by officials not identified with the territory and its people were harder to be borne by that people; that there were *bona-fide* citizens of the territory able to discharge the duties of all the offices; that there are all-sufficient reasons why the citizens of the territory should elect their own officers. Such were the premises for the prayer for "Home Rule," for an amendment to the Organic Act allowing the people to elect their own governor, secretary and judges:

"Your memorialists are well convinced that the system of appointments by the President, of men to execute and construe our laws who are strangers to our wants, our customs, our sympathies and our feelings, is intrinsically wrong, and that it is especially so when applied to a territory situated, as this is, five thousand miles from the Federal capital.

"The government of the United States is based upon the proposition that man is capable of self-government. If, when the people of this territory, numbering less than half the present population, were capable of originating and maintaining out of the crude and conflicting elements then existing a government for themselves, there is no good reason why they are not capable to select from among themselves men of their own choice to execute and construe their laws. In our present situation, we sustain the position of absolute dependents, unfortunately not directly upon the will of a beneficent Congress, but upon the caprice of adventurers and strangers who came here by the accident of party ascendancy, and treat their official position, when here, as a reward for political services already rendered to their party at home, rather than as a means of advancing our prosperity and interests. Although the territories are the property of the United States, we conceive their inhabitants are citizens of the United States, and should enjoy and exercise, so far as Congress can extend it to them, the freedom of free men."

That memorial having been passed, the assembly settled down to law-making. Marion, Linn and Lane counties were detached from the judicial district of Chief Justice Nelson, and added to the district presided over by Judge Pratt. One county (Clackamas) alone constituted the district of the Chief Justice. This attempted invidious circumvention of Judge Nelson, to defeat his exercise of judicial functions, found its provocation in the alleged fact that the Judge had avowed a predetermination to ignore all laws passed at Salem at that session. Whether he so unwisely and injudiciously talked, or even

entertained the thought to prejudge matters liable to come before him for judicial construction, need not be inquired into. Suffice it to say that, consistent with the ruling as to the legal seat of government made by the *quorum* of the Supreme Court of Oregon, who held the term at Oregon City (December, 1851), it would have been his duty as a *nisi prius* judge, to follow the decision of that higher court; doing so, he must have so held. The knowledge that such decision, as to the laws enacted at Salem, must logically follow, if any question as to such laws should arise, probably gave origin to the accusation of judicial bulldozing, or injudicious, nonjudicial prattle; but, whether truly or falsely made, it afforded no justification for thus indirectly and humiliatingly defeating the performance of judicial duty by one lawfully clothed with the ermine. Again Judge Nelson, a gentleman of high personal character and admitted learning, was entitled to respect from a co-ordinate branch of the government; nor was the assembly a competent tribunal to punish him, surely not without trial; nor was such a scheme a proper punishment for any supposed official delinquency. It was quite early enough to have consigned a man to Coventry, to have declared a judge incompetent or unworthy, after he had made a decision which exhibited abuse of his exalted trust, when selfishly or mercenarily he had wrongfully decided, governed in such wrongful decision by personal prejudice rather than by honest conviction.

At that session, several new counties were established. The northern part of Lewis was set off. When reported, the act contained the name "Simmons," in honor of the pioneer American settler in the Puget Sound basin; that name gave place to Thurston, a legislative tribute to the memory of the first delegate. Douglas and Jackson counties were formed of territory cut off from Umpqua; but for judicial purposes they continued attached to the old county.

Columbia Lancaster, who had been elected to that legislature as councilman for all the territory north of the Columbia river (all of what shortly afterwards became Washington Territory), repaired to Oregon City; and, upon the day fixed by law for the meeting of the Legislative Assembly, he organized a council of one. He was unanimously elected its temporary President. He caused all offices of that branch to be filled. Day after day, until December 17th, that council of one met and adjourned. Solitary and alone, that faithful legislative Wilkins Macawber waited for something to turn up,—awaited the coming of his brother members. But they came not to his council; neither did he go to theirs. On the 17th of December, he adjourned. The clerk of that council kept a faultless, faithful record. The entries were brief, but they told how promptly and regularly he met and as promptly he adjourned (1). The Oregon City House opened on the first of December; present, Messrs. W. T. Matlock and A. E. Waite. Mr. Matlock was declared Speaker *pro tem.* Those two were subsequently reinforced by the attendance of Mr. Kinney of Yamhill and General Daniel F. Brownfield of Lewis. On the ninth, Mr. Waite secured leave of absence. At the afternoon session, two o'clock, Wednesday, December 17, 1851, the record reads:

"The House met pursuant to adjournment. The House was called to order by the Speaker; present Messrs. Matlock, Kinney and Brownfield. There not being a quorum present, on motion of Mr. Brownfield the House adjourned *sine die*."

The "late two presiding officers *pro tem*," as they sign themselves, drafted, and in their official character signed, a memorial to Congress (2). Said they: "There is no spot

(1) House Miscellaneous, Thirty-second Congress, first session, No. 10.
(2) House Miscellaneous, Thirty-second Congress, first session, No. 14.

within the government domain presenting so many barriers and obstructions in the way of approach and intercommunication between its different parts as Oregon. The surf of the Pacific is lashed into one unbroken line against the base of the Coast Range of mountains, while they shut in the eden of Oregon, and present one dark outline of unbroken and impassable barriers on the west, creating a solitude which is felt, but which cannot be expressed. It is true that the Columbia river, like the principles of civil and religious equality, with wild and unconquerable fury, has burst asunder the Cascade and Coast Ranges of mountains, and shattered into fragments the basaltic formations, thereby opening a communication into the interior of about two hundred miles; and that a few other places have been found south, along the coast, which in time will be reached at great labor and expense; yet the present wants and necessities of the inhabitants of the whole territory require aid, protection and security."

This eloquent preamble was followed by prayers: That territorial council representation be increased from nine to fifteen; that necessary fortifications and defenses be erected at the mouth of the Columbia river; that a military road be constructed from Puget Sound to the Columbia river, thence up the Willamette river to Umpqua valley; that the navigation of the Willamette river be improved; that bounty land be granted to volunteers who had served in the Cayuse war, that pensions be granted to wounded and disabled survivors of that war, and to the widows and heirs of those who fell in that war; that a competent military force be stationed within the territory, and at proper points along the overland routes, to protect immigrants; that an appropriation of $10,000 be made by Congress to purchase a library to be placed in the University of Oregon.

As illustrative of the personal character of the politics of that period, Columbia Lancaster for years was alluded to as "old basaltic formation," in derision of the "One-horse Council," and the act of those two very respectable gentlemen in forwarding to Congress the "Memorial of Columbia Lancaster and W. T. Matlock, presiding officers of the Council and House of Representatives of the Territory of Oregon."

Such was the anomalous condition of affairs. A quorum of the law-construing power at Oregon City judicially declared that such place was the "seat of government," while a meager minority of elected legislators assembled there and respected judicial decision. A quorum of the law-making power was at the same time assembled at Salem. A dissenting minority of the Supreme Court was there also giving sanction by judicial presence and opinion, that by the operation of law Salem had been declared and was the seat of government, the lawful place where such legislature should perform its functions.

On January 1, 1852, Governor Gaines addressed a lengthy communication to the President of the United States. He complained that Associate Justice Pratt had published articles in the press of a partisan character, and bearing upon the seat-of-government difficulty; that that official was guilty of using his influence and making personal efforts to induce members of the legislature to attend the session at Salem. The governor asked that an investigation should be made of Judge Pratt's official conduct (1).

On March 22, 1852, Attorney-General Crittenden, to whom Governor Gaines' letter to the President (January 1st), with its inclosures, had been referred, made a report (2). Having ably reviewed the whole subject, and reiterated his formerly expressed opinion that the law locating territorial public buildings was invalid, he thus recommended congressional interposition to terminate the controversy:

(1) Executive Documents, Thirty-second Congress, first session, House of Representatives No. 4, page
(2) *Ibid.*, page 31.

"Thus it appears that the act of February 1, 1850, for the removal of the seat of government from Oregon City to Salem, is regarded by the governor as repugnant to the Organic Law, and void; that it has been solemnly so decided by the Supreme Court of the territory, and that Oregon City is the lawful seat of government; that the court is accordingly holding its session there, and proceeding in the discharge of its judicial duties, while a large majority of the members elected to the present Legislative Assembly, adhering to the said act of the preceding Legislative Assembly, has assembled at Salem, insists that that is the seat of government, and has there organized as a legislative body, and has assumed and exercised legislative powers. From such a conflict of public authorities, the most unhappy consequences can alone result. Controversy and confusion and high excitement are represented as having already spread through the territory; and these evils must increase in the course of time, if some remedy be not applied. The members elected to the Legislative Assembly, who have assembled and organized at Salem, refuse all respect and conformity to the decision of the Supreme Court of the territory; and that court having decided that the meeting of the assembly at Salem was illegal, will, as a plain consequence, regard and hold all their acts as nullities. The source of all these troubles is the act so often alluded to, for the removal of the seat of government and other purposes.

"Having, as before stated, given my opinion as to the legal validity of that act in my letter to you of the 23d of April, 1851, I have now only to refer you to that letter. There is no other question of law involved in the case as now presented; and therefore I ought, perhaps, to conclude here. But you will excuse me for suggesting, that I see no proper remedy for the state of things existing in Oregon, but that which must be found in the wisdom and power of Congress. By its supreme authority, Congress can put an end to the disputed question about the seat of government, and can dispose of all the other minor or incidental questions which have sprung up and contributed to the disorder and confusion that now prevail in Oregon. It would seem to me, therefore, to be proper for the President to recommend such a course to Congress, and to communicate to them all the information in his possession relating to the subject."

President Fillmore adopted the wise and judicious suggestions of his able and conservative Attorney-General. On May 3, 1852, he sent a special message to Congress (1), accompanying it with copies of the act locating the public buildings, the messages of Governor Gaines, the opinion of Attorney-General Crittenden on the validity of the Location Act, the opinions of Judges Nelson and Strong on the Location Act, the letter of Judge Pratt, which contained his dissent from those opinions, Governor Gaines' letter to the President (January 1, 1852), and the report of Attorney-General Crittenden upon said letter. The message concluded:

"If it should be the sense of Congress that the seat of government has not already been established by the local authorities, pursuant to the law of the United States for the organization of that territory, or, as so established, should be deemed objectionable, in order to appease the strife upon the subject which seems to have arisen in that territory, I recommend that the seat of government be either permanently or temporarily ordained by act of Congress; and that that body should in same manner express its approval or disapproval of such laws as may have been enacted in the territory at the place alleged to be its seat of government, and which may be so enacted, until intelligence of the decision of Congress shall reach there."

(1) Executive Documents Thirty-second Congress, first session, House of Representatives, No. 94, page 1.



HON. EMORY C. FERGUSON,
SNOHOMISH, W.T.

Congress immediately, by joint resolution, declared Salem to be the seat of government of Oregon Territory, and approved the laws which had been passed at Salem during the session of 1851–52. The President signed that measure May 4, 1852. On being advised of the action of Congress in declaring Salem the capital, Governor Gaines issued a proclamation calling an extra session of the Legislative Assembly (the members of which had been elected at the annual election in June, 1852), to be holden at Salem on the 26th day of July. At such extra session, Matthew P. Deady was elected President of the Council, and Benjamin F. Harding, Speaker of the House of Representatives. The governor's message informed the legislature of the action of Congress in declaring Salem to be the territorial seat of government, but expressed doubts as to the sufficiency or definiteness of the location. He suggested that sites for public buildings should be selected, commissioners appointed, and provisions made for letting contracts for the necessary buildings. The message also recommended rearranging judicial districts, and the appointment of a code commission. The legislature, without any attempt at legislation, on the third day after convening, adjourned *sine die*.

Through the intervention of Congress, the location embroglio was at an end. Its force as a party shibboleth had been spent; but the spirit of offensive partisanship engendered during its continuance had arrayed the respective political parties bitterly against each other.

Nor had the "Location" agitation been the exclusive firebrand in territorial politics. When it had subsided, it gave place to renewed and more intense personal rancor against the judges, Federal officials and those who sympathized with them or were disposed to palliate or defend their official conduct. "Under what 'Laws of Iowa' the people lived?" was a question which proved even a more disturbing element of social and community peace, more vexatious and far-reaching because that interested all classes. Doubt or discussion whether the people were living under any system of law, or whether the law that they had learned to respect was law, or had ever been legally enacted, was a contention which tended to render the community chaotic, not to say anarchical.

Matthew P. Deady, the erudite judge, the industrious scholar (than whom none has labored more zealously and conscientiously to preserve the archives, traditions and facts as to the great Northwest; who is admiringly appreciated by a grateful people for such invaluable labor; who is to an equal degree recognized as authority upon the history of the region, and especially the history of its law, as he is accepted as the expounder of that law; who is a most truthful and reliable living oracle from whom either or both may be ascertained and determined), has in his usual felicitous and comprehensive manner briefly and tersely illustrated that controversy and its causes, a controversy which continues through all of Governor Gaines' administration, as one of the foremost elements of that prolonged, proscriptive, personal and political strife. That account is of unusual interest. It points out the fountains of the law under which the territory lived. It explains a feature of legislation of a most novel and eccentric character, teaches the meaning of the "Steamboat Code," of what that consisted, and how originated that singular name. We learn, also, about the law as contained in the "big" and "little blue books." An event took place in metropolitan Portland in the summer of 1885, when that city right royally entertained at a banquet the visiting Iowa journalists. The feature of that banquet was the speech made by the venerable judge in proposing the toast, "The State of Iowa." That incident made the occasion for his shortly subsequent contribution to popular knowledge of the land which is our home, a succinct but most

valuable historic notice of "Early Oregon Laws" of the "big" and "little blue books." To have hesitated to eliminate any text, and substitute that oracular statement, would be culpable in any author who desired that his readers should have the most light, the facts best stated. Thus wrote Judge Deady (1):

"They (the Legislative Committee of the Oregon Provisional government, at its session at Willamette Falls, May and June, 1843) also provided that 'the laws of Iowa territory shall be the laws of this territory in civil, militia and criminal cases, when not otherwise provided for; and when no statute of Iowa territory applies, the principles of common law and equity shall govern.'

"The public meeting held at Champoeg, July 5, 1843, to consider the report of this committee, adopted the same, and added thereunto a resolution called 'Article XIX,' declaring that thirty-seven specified acts of general nature, contained in the 'Statute Laws of the Territory of Iowa,' enacted at Burlington in 1838–9, and 'published by authority' in 1839, should be the laws of Oregon.

"At a session of the Legislative Committee, held at Willamette Falls, June 18, 1844, consisting of Peter H. Burnett, David Hill, M. M. McCarver, M. Gilmore, A. L. Lovejoy, Daniel Waldo, Thomas D. Kiezer and Robert Newell, the constitution of the government was somewhat revised by an act passed June 27th, which vested the executive power in a single person, and the legislative power in a House of Representatives, to meet annually at Willamette Falls.

"Article XIX, relating to particular Iowa statutes, was repealed, and the following enacted on that subject:

"'ARTICLE III. *Laws.* Section 1. All the statute laws of Iowa Territory passed at the first session of the Legislative Assembly of said territory, and not of a local character, and not incompatible with the condition and circumstances of this country, shall be the law of this government, unless otherwise modified; and the common law of England, and principles of equity, not modified by the statutes of Iowa or of this government, and not incompatible with its principles, shall constitute a part of the law of this land.'

"And so the matter stood until the first session of the legislature after the organization of the territory by the United States, held at Oregon City, July 16, 1849, when, on September 29th, an act was passed, 'to enact and cause to be published a code of laws.' This code consisted of seventy-two acts selected from 'the revised laws of Iowa of 1843,' with some modifications, together with the original acts passed at the same session.

"The provision for its publication failed. In the spring of 1850, the newly arrived United States District Attorney pronounced the act making the selections from the Iowa statutes void, because it embraced more than one object, contrary to section six of the Organic Act of August 14, 1848; and, by way of making the imputation of multifariousness stick, he named it the 'Steamboat Code.'

"Then the question arose and vexed the country, whether the Iowa laws of 1839 or those of 1843 were the laws of Oregon. Neither of them were published, except in the original Iowa volumes of 1839 and 1843, copies of which were scattered about the country. They were both bound in blue boards; and, as the earlier one was the smaller of the two, and the contents were very near the same, they soon came to be known as the 'big' and 'little blue books.'

1) *Daily Oregonian*, June 24, 1885.

"From 1850 to 1853 the politics and 'personalities' of the country turned largely on this controversy. The judges were divided on it, editors wrangled about it, orators grew eloquent over it, until the condition between the Big-bookers and Little-bookers grew almost as fierce as that between the Big-endians and Little-endians of Lilliput, over the momentous question,—at which end should an egg be broken.

"In 1853 the writer, with his Iowa associates on the Supreme Bench, George H. Williams and Cyrus Olney, settled the controversy in favor of the 'big' book; and the law of Iowa, as contained therein, continued to be the law of Oregon, until May, 1854, when it was largely superseded by the code of that year.

"In conclusion, let me say that when asked how the common law of England came to be the law of this country, I have answered that it was brought here by the pioneers across the plains in their ox wagons, just as the colonists on the Atlantic slope brought it with them from the mother country across the ocean two hundred years ago; and I think this brief story of the origin of our laws justifies the answer. The English common law and language is the birthright and heritage of the English-speaking race, and follows them wherever they go, and under whatever flag."

The Democracy were greatly in the ascendant. The Federal officials, being appointees of a Whig national administration, continued to be subjects of personal denunciation. The Whig journals and leaders retorted upon prominent leaders of their political foe with equal malevolence. The Presidential election had resulted in the elevation to that exalted office of Franklin Pierce, the Democratic candidate. In the territory and nation, the Democrats had achieved triumphant success. The Oregon Legislature which convened at Salem December, 1852, was overwhelmingly Democratic. Before it had assembled, the term of office of Judge Pratt had expired. C. F. Train had received the appointment to succeed him, but had not arrived, nor did he ever come to the territory. The district over which Judge Pratt presided was much too large for one judge. That fact made it necessary for the Legislative Assembly to rearrange the judicial districts. The new first district was composed of the southern counties,—Umpqua, Douglas and Jackson; and to it, by the bill as passed, Chief Justice Nelson was assigned. The second included the counties of Clackamas, Marion, Yamhill, Polk, Belton and Linn; assigned thereto was Associate Justice C. F. Train. The third district embraced all the territory north of the Columbia river, and the counties of Washington and Clatsop, to which Associate Justice Strong was assigned. A provision was inserted in the act authorizing the judges among themselves to make a different assignment, which should take effect upon notice being filed with the Secretary of the Territory. Under that arrangement, Chief Justice Nelson became presiding Judge of the second judicial district.

The progress of settlement in the Puget Sound region, and, in fact, generally north of the Columbia river west of the Cascade Mountains, rendered necessary the formation of four new counties, set off from the north end of Thurston, and respectfully denominated Pierce, King, Jefferson and Island counties. Acts were passed also locating their county seats and appointing the necessary county officers. The several measures providing for the location of the territorial public buildings were amended. A board of building commissioners was constituted. The governor was made *ex-officio* treasurer of the several building appropriations, with power to disburse only upon the order of the respective boards. A number of important memorials to Congress, for appropriations for the aid of military roads, improvements of rivers and building of lighthouses, were passed. Notable among them were: For a military road from Scottsburg to Rogue river; for a military road from

Fort Steilacoom across the Cascade Mountains to Fort Walla Walla; for an appropriation for the survey of the boundary line between California and Oregon; for the improvement of the Willamette river; for lighthouse and buoys at the mouth of the Umpqua river; and for a custom-house at Umpqua. The most important memorial, perhaps, was a prayer for the division of the territory, the setting off of the territory north of the Columbia river, to be organized as a new territorial government, to be named Columbia.

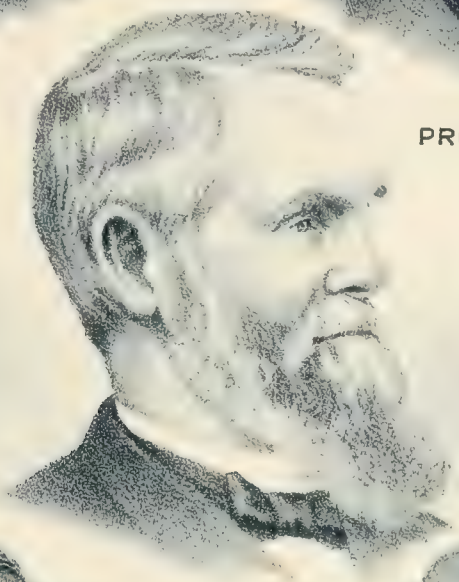
General Lane, the delegate, was eminently successful in promptly securing the passage by Congress of a number of measures responsive to the memorials of the Legislative Assembly. Among the congressional appropriations made was the sum of $75,000 for the expenses of the Cayuse war. The President was authorized to designate ports of delivery in Umpqua and Puget Sound collection districts. An appropriation of $20,000 was secured for a military road across the Cascade Mountains from Fort Steilacoom to Fort Walla Walla, and a like sum for a military road from Umpqua valley to the Rogue river. The act to establish the territorial government of Washington, passed in the latter days of the second session of the Thirty-second Congress, was approved March 2, 1853. It provided that all that portion of Oregon Territory lying north of the Columbia river, from its mouth to its intersection by the forty-sixth degree of north latitude, and said parallel continued to the summit of the Rocky Mountains, be organized into and constitute the territory of Washington.



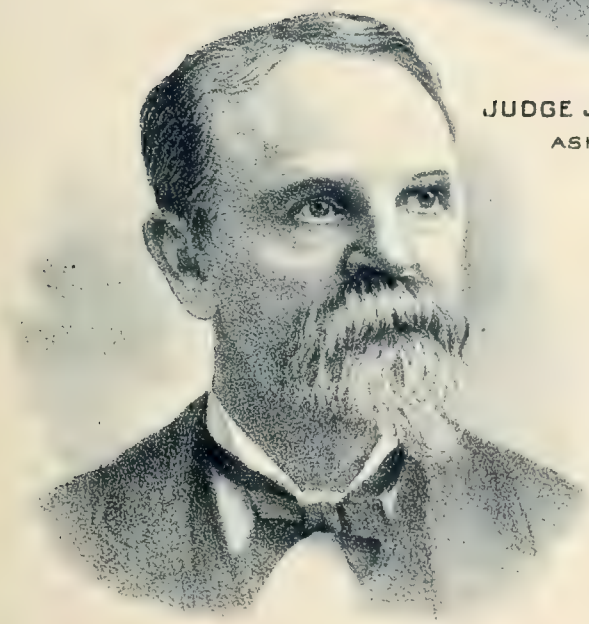
J. TUCKER SCOTT.



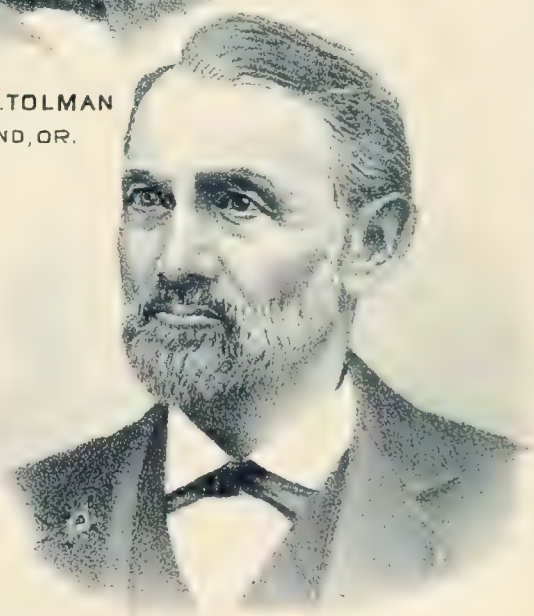
PROF. E. B. McELROY,
SALEM, OR.



JUDGE J. C. TOLMAN
ASHLAND, OR.



M. L. CHAMBERLIN,
SALEM, OR.



HON. JAMES D. BURNETT,
MYRTLE CREEK, OR

Chapter XXXVIII.

(1850–1853.)

Exclusive Reference to Historic Acts North of the Columbia River Explained — Legislative Representation — United States Census, 1850—Status of Settlement North of the Columbia at that Date—Historic View of Progress of Settlements upon the Banks of the Columbia — Incubus to Settlement of Vancouver—Conflicting Claims to Site—Settlements North of River, and North of Olympia — Edmund A. Starling, Indian Agent, Puget Sound District — The Collection District of Puget Sound Established—Arrival of Revenue Officers — Disastrous Expedition of Gold Hunters to Queen Charlotte's Island in Sloop Georgianna — Wreck of Sloop — Passengers Taken Captive by Hydah Indians — Ransom of Captives — Seizure of Steamer Beaver and Brig Mary Dare at Olympia — First Term of District Court at Olympia — First Commemoration of Independence Day at Olympia — Division of Territory — Monticello Convention — Congress Establishes the Territory of Washington.

THE Columbia river, so eminently adapted for a natural boundary between separate commonwealths, had so cut off from the Willamette valley the territory and communities lying north, that the early necessary division of Oregon Territory by that river was a spontaneous opinion which gathered strength with the growth of both sections. Through all the early history of Oregon, the denizens of the Willamette valley had looked upon the territory north of the Columbia river as a distinct section, and had learned to regard that river as the ultimate boundary of the future State of Oregon. There was but little of interest in common between the two sections. The routes of travel between them retarded close intercommunication; nor could the political needs and purpose of those dwelling upon Puget Sound, or even upon the line of travel pursued between the Columbia river and the Sound, be subserved by connection with the centers of population or business in the Willamette valley. Naturally and necessarily, those inhabiting the Sound basin must depend mainly upon San Francisco (then the distributing point on the Pacific coast) for their supplies; and as Northern Oregon exportations, consisting of lumber, piles and timber, went to that port by way of the Sound, and Strait of Juan de Fuca, upon it they must depend for supplies instead of upon an inland emporium on the Columbia river. Hence Northern Oregon communities were not only practically isolated by position, but also by the channels of transportation and the diversity of commercial interests. Until the closing days of Governor Gaines' administration, that northern territory was generally spoken of as Northern Oregon or the "Sound Country." Although, upon the north bank of the Columbia, settlers had located and settlements been formed, yet, in the main, communities were established near or upon Puget Sound (1), or were within an area

(1) Puget Sound has the same meaning here as in the Act of Congress approved February 14, 1853, establishing the Collection District of Puget Sound, that is to say, that great inland sea, not inaptly called the Mediterranean of Northwest America, embracing Puget Sound, properly so-called, Admiralty Inlet, Hood's Canal, Strait of Juan de Fuca, Gulf of Georgia, and the numerous tributary bays and inlets.

adjacent to the trail or road from the Columbia river, *via* Cowlitz river and Cowlitz Landing, thence across the portage to the head of the Sound, already known as Olympia.

Those little *nuclei* of future Northern Oregon communities, mere embryo towns rejoicing at that period only in names, were completely independent of and isolated from the Willamette valley. In fact, Northern Oregon progress or colonization has its own peculiar history, requiring separate narration. It would have been quite impossible to have presented, succinctly and intelligently, the annals of Puget Sound settlement blended with the current history of older communities south of the Columbia, which exclusively affected the residents of the Willamette valley. It would have proved a profitless task to have attempted tracing together events happening, 'tis true, contemporaneously, yet entirely dissimilar in character, and solely of interest to the inhabitants of the one region: one class being those which purely pertained to the primitive location of sites for future communities,—acts predicating future provincial life; the other, the proceedings of already established communities executing governmental or political functions. Such an attempt would have dissipated the consistency of narration, and marred the symmetry of the annals of each; and the accuracy of statement would have been defeated. Hence the necessity now to recur to events north of the Columbia which had happened during the Gaines administration. Thus will be chronicled, since 1850, the progress or advent of population to northern Oregon, till such growth had demonstrated that the time had arrived for the division of Oregon Territory,—an advent, as already claimed, foreshadowed by the topography of the region, and inevitable from the very nature of things. In that labor, it will be quite impracticable, within the limits of this work, to detail the annals of each locality (1). Nor can the narration be strictly chronological. A historic view of the centers of population of Northern Oregon, and their development at the period of territorial division, must suffice; for such is the real aim of this chapter. To that end, those localities which have attained to such importance as to have secured prominence, or to have conferred identity, will be briefly adverted to, and their progress detailed. Frequently it will have been necessary to carry these local annals beyond the time when territorial division had been consummated, when the particular settlement had ceased to be within the territory then named Oregon.

Shortly after Governor Lane's assumption of executive duties, it will be remembered that he issued a proclamation districting Oregon Territory for the election of members of the first territorial Legislative Assembly. By that proclamation, all of Oregon Territory which subsequently became Washington, that is to say, all of Oregon north of the Columbia river, together with Clatsop county, formed one Council District. Lewis county, then the northern part of the territory lying west and north of the Cowlitz river, constituted a Representative District. It may be remarked that Samuel T. McKean, of Clatsop, at the election in June, 1849, was elected councilman. Michael T. Simmons was the first representative of Lewis county.

By the United States census of 1850, the total number of white inhabitants north of the Columbia river was 1,049. In Lewis county had been erected 146 dwelling-houses, occupied by that number of families. Thirteen pupils attended school; but, as shown by the official record, twenty-three pupils at some time within the year preceding had attended school. The total sum, including taxes collected, expended in education, amounted to

1 Numerous letters and historic statements have been received as to neighborhoods, pedigrees of pioneer settlers, etc., "claiming that they deserve a place in the history;" and so they do. An appendix to contain them all would be larger than the limits allowed for this work. Perhaps those statements, autobiographical and otherwise, would be as entertaining to the general reader as the text; but, as the author dare not substitute them he will not mar them by attempted condensation

five hundred dollars. In Clark county the families numbered ninety-five, with a school attendance of eleven. That census also demonstrated that, at that date, the British or Hudson's-Bay-Company element of population greatly preponderated in Northern Oregon.

The incidents of the pioneer settlements at the head of Puget Sound have been narrated in preceding pages. In the winter of 1849–50, Messrs. Isaac N. Ebey, B. F. Shaw, Edmond Sylvester, George Moore and Jackson purchased the brig *Orbit*. She arrived at Olympia January 1, 1850, when Colonel M. T. Simmons purchased the interest of Jackson. She loaded with a cargo of piles for San Francisco. The *Orbit* was the first American vessel hailing from and owned at Puget Sound.

A retrospective glance at Northern Oregon settlements at that period (1850–3) is full of interest. Vancouver (then Fort Vancouver) was the most historic of all Oregon towns north of the Columbia river. Since 1824 it had been the headquarters of the Hudson's Bay Company west of the Rocky Mountains. That company still continued in possession under the treaty of June 15, 1846, by which they had been guaranteed their possessory rights. It was claimed that since 1838 it had been a missionary station of the Roman Catholic Church, nominated the St. James Mission. Here had been erected a church of that name; and here the priests of that faith had ministered to the native population and to the employés of the company (1). Here also an United States military post had been established, and a military reserve declared by order of the War Department (2). A section of the land was also claimed under the Land Law of the Oregon Provisional government by Amos M. Short, an immigrant of 1845, whose family had resided upon the land since December of that year. In May, 1847, he had built a house upon the tract and cultivated a number of acres. In the latter part of that year, servants of the Hudson's Bay Company had ejected him (3). In 1848, Peter W. Crawford had surveyed the same tract for Henry Williamson, who had also claimed the land under the Oregon Land Law. After having filed the requisite notice, he went to Indiana for his family. On his return, finding Short in possession, he abandoned the controversy and went to California. Under the act of May 23, 1844, the county court of Clark county, July 3, 1850 (4), made the following location of a quarter section: "Commencing at a balm of Gilead tree on the north bank of the Columbia river marked 'A. M. S.', thence along the east line of Amos M. Short's claim, one hundred and sixty rods, thence due south to the Columbia river, thence along the bank of said river to the place of beginning, excepting thereout the inclosures of the Hudson's Bay Company." Such townsite was platted; and a number of blocks and lots were sold, and improved by the purchasers.

(1) The Roman Catholic Mission of St. James (the name of the little church then at Fort Vancouver) subsequently claimed six hundred and forty acres under the second proviso of the first section of the Organic Act of Oregon, approved August 14, 1848: "That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said territory, together with the improvements therein, be confirmed and established in the several religious societies to which said missionary stations respectively belong."

This proviso in the same language was incorporated in the Washington Organic Act, approved March 2, 1853, with the additional phrase, "or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon," which phrase is inserted after "territory" and before "together."

The merit of the Roman Catholic claim to any portion of Vancouver as a missionary station is based upon the acts narrated in a previous chapter, entitled "Roman Catholic Mission."

(2) The claim by the United States for a military reservation rests upon the following facts:

In May, 1849, Major Hathaway, U. S. Army, leased of the Hudson's Bay Company sufficient buildings for garrison purposes, officers' quarters, barracks, etc., with free privilege of adjacent lands unoccupied by the company. In May, 1850, by order of General Persifer F. Smith, commanding the Pacific Division, under directions of the War Department, Colonel W. W. Loring, U. S. Army, declared a reserve of four miles square. This large reserve was subsequently reduced. An Act of Congress, approved February 14, 1853, had limited military reserves to six hundred and forty acres. On the 29th of October, 1853, the War Department ordered that the Vancouver reserve should conform to the requirement of that act; and Colonel Bonneville, U. S. Army, then in command (December 8, 1853), reduced the reserve to the legal quantity.

(3) The equities of the heirs-at-laws of Amos M. Short are briefly set forth in the "Decision of the Surveyor-General of Washington Territory (Dr. Anson G. Henry), 1862," page 14. It shows a persistent effort to hold the claim from the time of filing in 1846 till his death, January 19, 1853. He was twice forcibly ejected by the Hudson's Bay Company, and once by a judgment of court. In his absence, his family were placed in a boat and sent adrift down the Columbia. Again, in defending his place, Dr. G. Gardiner and a Kanaka servant, who were attempting to eject him, were slain (April 5, 1850). Technically, under the Donation Law, he had forfeited his right, because he had failed, before his death (January 19, 1853), to notify the Surveyor-General, as required by the Donation Law.

(4) The county record shows that, instead of locating under the first section of the act of May 23, 1844, for relief of the citizens of towns, the county authorities of Clark county located really, under the act of March 26, 1824, a quarter section of land for the county seat of Clark county.

A more complicated conflict of claims calculated to cloud title could scarcely be imagined: Possessory rights of a foreign corporation present under a mere license of trade, which expired by its own limitation within a decade; claims of a religious denomination for a missionary station, where missionary services had been performed before the sovereignty of the soil had been determined; the government asserting its right of reservation for military purposes; private claims; the county or municipal authorities seeking relief for citizens, or seeking to secure necessary ground for municipal purposes (1). Yet, with this hydra-headed *incubus* driving away investment, Vancouver, possessing from its location many natural advantages, also perhaps the most beautiful and attractive townsite, had secured considerable population. Naturally, it had become the adopted residence of many retired employés of the Hudson's Bay Company, and discharged United States troops whose terms of enlistment had expired. Other immigrants had settled there; and it had already become the center of a farming settlement.

East of Fort Vancouver, several employés of the Hudson's Bay Company, as individuals, had taken claims under the Oregon Land Law. A trading-post had been established at the Cascades. On Baker's Bay, Shoalwater Bay, Gray's Harbor and at Cowlitz Landing, embryo towns had been commenced, some only in name, but all confidently predicting early future development. Hon. Columbia Lancaster, of the immigration of 1847, an early Supreme Judge under the Provisional government, later Washington's first delegate, had with his family removed from Willamette to the Lewis river. William Dillon, in 1849, had established a ferry on the north side of the Columbia, to the opposite shore near the mouth of the Willamette river.

Jonathan Burpee had first located on the Kalama river, but had removed to the Cowlitz. These were all the white families at that date (1850) who had settled between Fort Vancouver and the mouth of the Cowlitz. Upon both sides of the latter-named river were a number of family homes made by Seth Catlin, Peter W. Crawford, Mr. West, Henry D. Huntington, Nathaniel and David Stone and Royal C. Smith.

Oak Point (proper) was located upon the south side of the Columbia below the mouth of the Cowlitz river, from the circumstance of an oak-tree grove near the bank. Immediately opposite, on the north bank of the Columbia, there entered a little stream, to which had been given the name of Oak Point river. Upon its bank, a saw-mill was in course of erection in 1848 for the firm of Abernethy & Clarke. Late in 1848, that mill commenced running. Alexander D. Abernethy (a man so justly endeared to every old settler of Oregon and Washington, long one of the most prominent and respected citizens) was the resident partner. It long continued to ship cargoes of lumber to San Francisco by a line of vessels making regular voyages between the Columbia river and San Francisco. At Cathlamet, a short distance below, was the residence of James Birnie, retired from the Hudson's Bay Company's service, who had settled there prior to the treaty of 1846. Pacific City had been laid out by Dr. Elijah White on the claim of James D. Holman; and there was also an active settlement at Chinook, on the lower Columbia. Those promising places, with the presence of other settlers near the mouth of the Columbia river, caused the Oregon legislature, on the 4th of February, 1851, to pass the act

(1) Such cloud upon the title of lot holders continued 01 years. The contest between the several claimants was waged in courts, in the several land-offices, in the Department of the Interior, and in Congress. A partial settlement of the matter relieved lot-owners and purchasers by the issuance of a patent November 3, 1874, under the law for relief of the inhabitants of cities and towns upon the public lands, approved March 2, 1867, to the mayor of the city of Vancouver, in trust for the several use and benefit of the inhabitants of said city. The Washington territorial legislature passed an act to prescribe regulations for the disposal of lots in the city of Vancouver, and the proceeds for sale thereof, approved November 11 1875, which act authorized conveyances to be made, and legalized the title to the grantees. The contest between the mission and the United States, as to their military reserve, and as to the extent of the mission grant, decided by the Supreme Court of the territory adversely to the mission has been appealed to the Supreme Court of the United States, where it is now pending.



HON. G. V. CALHOON, M.D.

LA CONNER, W. T.

establishing Pacific county by setting off from Lewis county, "the territory commencing at Cape Disappointment, following the Pacific coast twenty-five miles, thence due east thirty miles, thence south to the Columbia river, and down its channel to the place of beginning." The apportionment law gave Clark and Lewis a joint member. Clatsop and Pacific were constituted a representative district. The council district was not changed. It was in 1851, before settlers had made their appearance on Shoalwater Bay. In 1850, Charles J. W. Russell, who had been engaged in trade at Pacific City, carried from Astoria, Oregon, by steamer to San Francisco, a lot of oysters. During that year, Captain Feldstead had also made an unsuccessful venture to ship a cargo of oysters to San Francisco. The next year (1851), the oyster trade attracted a number. There were also parties engaged in cutting piles and timber on the banks of those small rivers which empty into the northeast portion of the bay. Reference has already been made to the Bruce Company, who operated at Shoalwater Bay in 1850, and in subsequent years.

On January 10, 1851, Captain Lafayette Balch, in the brig *George Emery*, about inaugurating a regular trade between San Francisco and Puget Sound, took the claim at Lower Steilacoom, dedicating it as a townsite, conferring upon it the name of Port Steilacoom, after the name of the creek immediately northward of the tract (the creek upon which shortly afterwards was erected the mill of Thomas M. Chambers). The frames for his warehouse, store and residence were on his vessel; and the erection of those buildings was immediately commenced. John B. Chapman, an old attorney-at-law from Indiana, together with his son John M., settled, October 31, 1851, upon Steilacoom Point, adjoining the Balch site. A half section was located in the name of the son, was platted as a town, and nominated Steilacoom City. A few years later, the Balch and Chapman towns had become sufficiently consolidated to be spoken of under the general name of Steilacoom.

On February 10, 1851, Dr. Richard H. Lansdale went in a canoe from Olympia to Oak Harbor, on the east side of Whidby Island, and there made his first location. In the following summer, a number of horses, the property of William Wallace, were landed at Oak Harbor by Asher Sargent, then of Olympia; and Wallace and his family took a Donation claim at Crescent Harbor, which name had been conferred by Dr. Lansdale within the year. Dr. Lansdale was joined at Oak Harbor by Martin Taftson, Clement W. Sumner and Ulric Friend. The Doctor returned to Olympia to winter, where he resumed his duties as justice of the peace for Lewis county (which included Whidby Island until the session of 1851–2 of the Oregon legislature, when Thurston county was set off, the latter embracing the island). A scow having been built for the purpose, in March, 1852, Dr. Lansdale assisted in the transportation to the island of the families of Walter Crockett and Colonel Isaac N. Ebey, who had arrived at Olympia in the early winter of 1851. Colonel Walter Crockett was a native of Virginia, of which state, in his early manhood, he had been a prominent citizen. With a large family of children and grandchildren, which constituted a little colony in itself, he, together with them, made a permanent settlement on the island. Isaac N. Ebey, a lawyer by profession, had for several years been a leading citizen of the Sound country. He was a member of the Oregon legislature at the last session before the division of the territory. He it was who drafted and secured the passage of the memorial of that body praying for the establishment of the territorial government of Columbia. When Washington became a separate territory, he became still more prominent for his active zeal and energy. Many offices of honor and trust were filled by him, among which was that of collector of customs of the

district of Puget Sound. He was perfidiously and cruelly murdered on August 12, 1851, by a band of Russian Indians called Kakes or Kikans, who inhabit the northwestern side of Kufrinoff Island, near the head of Prince Frederick's Sound. They severed his head from his body, and carried it to their northern home as a trophy of their murderous malice. His head was subsequently recovered through the intervention of the British authorities. The band who committed this nefarious deed was led by the brother of an Indian who had lost his life in the spring of that year at Port Gamble, when the U. S. steamer *Massachusetts* had dislodged the hostile northern Indians then camped at that point, and compelled them to leave the Sound.

Dr. Lansdale did not return to his Oak Harbor home, but changed his residence to Penn's Cove. Colonel Ebey took the tract opposite the bar of Port Townsend, since and still known as Ebey's Landing. In the spring of 1853, the brig *Cabot*, Captain Drydon, direct from Portland to Penn's Cove, brought a number of families, among whom were those of James Buzby, Dr. J. C. Kellogg and the late Reuben L. Doyle. This settlement was one of the most prosperous on the Sound.

About the middle of September, 1851, Henry Van Assalt, Jacob Maple, Samuel Maple and Luther M. Collins selected claims on the Duwamish river a few miles from the site of the city of Seattle, and commenced their residences there on the 26th of that month. About the latter date, John N. Low, Lee Terry, David T. Denny and Captain Robert C. Fay arrived at Alki Point. Low and Terry located claims at the point. On the 28th, Denny and Terry laid the foundation for a house. Low returned to the Willamette for his family. On the 5th of November, the schooner *Exact*, Captain Folger, sailed from Portland for Puget Sound, and for the newly discovered gold mines on Queen Charlotte's Island. A number of settlers came as passengers. On the 13th of November, she landed Arthur A. Denny, William N. Bell and Carson D. Boren, and their families, and Charles C. Terry. The little settlement at Alki Point, named New York, numbered twenty-five, twelve of whom were adults. Among the passengers by the *Exact* were James M. Hughes, who settled in Steilacoom, Daniel R. Bigelow, who located at Olympia, H. H. Pinto and family, who settled at Cowlitz, John Alexander and family, and Alfred Miller, who took claims on Whidby Island. The Alki Point colonists soon finished the house of which the foundation had been laid; and other houses were built for the families of Messrs. Bell and Boren. The brig *Leonesa*, Captain D. J. Howard, soon after arrived. Desiring to purchase a cargo of piles for San Francisco, as the Alki settlement had no team, Lee Terry went to Puyallup, purchased cattle and drove them along the beach to Alki Point. On the 18th of February, Messrs. Arthur A. Denny, Bell and Boren crossed over Elliott's bay, and, at the site of the present city of Seattle, located their three claims in one body, the southern boundary being fixed at what is now the head of Commercial street in that city. The claims extended north to where the claim of D. T. Denny afterwards joined. Dr. David S. Maynard arrived on March 31st at Alki Point. It had been his design to establish a fishery to pack salmon. On April 3, 1852, he moved over to Seattle and was persuaded to remain.

In October, Henry L. Yesler arrived, seeking a site for a steam saw-mill. To induce him to remain, the first settlers so changed the lines of their respective claims as to enable him to secure an eligible location with a proper share of water front. On the 25th of May, 1853, the two plats of the town of Seattle were filed in the auditor's office of King county, the first by Messrs. Denny and Boren and the second by Dr. David S. Maynard. In 1853, John N. Low sold his claim at Alki Point to Charles C. Terry. Lee Terry returned to

New York. On the 18th of April, 1855, Edward Lander, the first Chief Justice of Washington Territory, and Charles C. Terry, purchased the front half of the Carson D. Boren Donation claim.

On December 5, 1850, the brig *George Emery*, Captain Lafayette Balch, arrived at Neah Bay from San Francisco. Among the passengers were Alfred A. Plummer, Charles Bachelor, William Wilton, George O. Wilson and Gilbert Wilson. Captain Enoch S. Fowler was mate. She sailed to Olympia to procure a cargo of piles on Budd's Inlet. Plummer, Bachelor and Wilton stopped at Steilacoom creek, where the brig was loading. Upon Balch's return, he made his location at Port Steilacoom (January 10, 1851). Plummer and Bachelor remained at Port Steilacoom until April. At that time, and upon the suggestion of Captain Balch, Messrs. Plummer and Bachelor went to Port Townsend; and, upon April 24, 1851, Mr. Plummer commenced the settlement of Port Townsend. His claim fronted upon the beach around to Point Wilson, and then inland sufficient to embrace a section of land. Bachelor's claim adjoined. In the fall, Port Townsend was visited by Francis W. Pettygrove and Loren B. Hastings from Portland *via* Olympia. Each located a claim, the two adjoining those of Messrs. Plummer and Bachelor, and then returned to Portland. On January 16, 1852, Hastings purchased the pilot-boat *Mary Taylor*, sixty tons burthen, and advertised for passengers to Puget Sound. She sailed hither February 3d, bringing Hastings and family, Pettygrove and family, Benjamin Ross and family, David Shelton and family, Thomas Tallentire and family and Smith Hays. The *Mary Taylor* arrived at Port Townsend the 21st of February. On the beach at that date were Alonzo M. Poe, Henry C. Wilson, A. B. Moses, B. J. Madison and William Wilton. The families of Messrs. Hastings and Pettygrove landed the next day. The remainder of the passengers proceeded to Olympia. Of those present at Port Townsend beach at that time was Henry C. Wilson, who had selected his claim on the bay, and notified upon it in August, 1850; but he had continued clerking for Captain Balch, and did not make actual residence until after Mr. Plummer had commenced to reside on the place taken by him. Bachelor and the others named did not settle at Port Townsend. Messrs. Plummer, Pettygrove and Hastings each contributed, and together laid out the city of Port Townsend in June, 1852. Henry C. Wilson, appointed U. S. inspector of customs, made his official headquarters at Port Townsend. The U. S. surveying steamer *Active* visited Port Townsend in July. Her presence contributed much to quiet the natives, who had grown quite insolent, and but shortly before had forbidden the cultivation of the soil by the settlers. On the 29th of September, the brig *James Marshall* brought a load of cattle from Olympia, and sailed November 5th, taking from Port Townsend the first cargo of piles and lumber. She was followed during the winter by the brig *Wellingsley*, Captain John Gibbs, and the bark *Amelia*, Captain Caines. Among the accessions to the population during 1852 were Judge Albert Briggs and family, who took a claim upon the bay.

In the fall of 1852, Captain William Pattle, under a contract with the Hudson's Bay Company to furnish timber at Fort Victoria, Vancouver Island, from Lopez Island had crossed over to Bellingham Bay in search of suitable trees. As he and his companions, Messrs. Morrison and Thomas, walked along the beach, they observed seams of coal. At once they located adjoining Donation claims of one hundred and sixty acres each, fronting upon the bay. Pattle took the northernmost claim, next south of the present town of Sehome. Morrison and Thomas located south of him in the order named. These claims were shortly afterwards leased to a San Francisco company, who dispatched to the bay

their superintendent, Captain William A. Howard. On the Morrison claim, a vein named "mamoosie" was opened; one hundred and fifty tons were taken out, when the enterprise was abandoned. A vein on the Pattle claim was also opened, but no further attempt was made to develop it. Bellingham Bay coal, however, acquired its reputation from the mines between what shortly afterwards became the sites of the towns of Sehome and Whatcom, the discovery of which in the fall of 1853 was made by Messrs. Brown and Hewitt. A large fir tree having blown down had laid bare the vein. Those mines, upon claims taken by their discoverers shortly subsequent, were purchased by the Bellingham Bay Coal Company, of San Francisco, for whom Colonel Edmond C. Fitzhugh (afterwards Associate Justice of the Supreme Court of Washington Territory) was resident manager and superintendent for several years. In December, 1852, Captain Henry Roeder and his partner, Russell V. Peabody, at Port Townsend met Captain William Pattle, the first discoverer of coal at Bellingham Bay. He informed them of the coal discovery, the exhaustless timber and valuable water-power on the bay. Roeder and Peabody immediately went there and located claims on Whatcom creek, erected a saw-mill and built a schooner. On the claim of Roeder, a vein of coal was discovered from which, in July, 1854, sixty-five tons were mined and shipped to San Francisco. Bellingham Bay settlements were immediately increased by the taking of claims by Alonzo M. Poe, Edward Eldredge, William Utter, John Bennett, David Harris, Ellis Barnes and others.

Soon after the minority legislature had closed its brief session at Oregon City (1851–2), General Daniel F. Brownfield, the representative from Lewis county in that small body, became the first white settler at New Dungeness. He was followed within the year by B. J. Madison, Charles M. Bradshaw, J. C. Brown, John Thornton, Elliot Cline, S. S. Ervin, Captain E. H. McAlmond, Daniel Smalley, G. H. Gerrish, Thomas Abernethy and others.

Prior to 1852, most of those settlers who had found their way to Puyallup valley, and to the plains back of Steilacoom, were either retired servants of the Hudson's Bay Company who had been in the service of that company at Fort Nisqually, or employed in herding by the Puget Sound Agricultural Company, or discharged United States soldiers who had completed their terms of enlistment. In the spring of 1852, Nicholas Delin located his Donation claim at the extreme head of Commencement Bay, within what are now the corporation limits of the city of Tacoma. Early in the spring of 1853, a partnership was formed by Delin, Colonel M. T. Simmons and Smith Hays to build a saw-mill on Delin's claim and one upon Skookum Bay. The builders were Stephen Hodgdon, Cortland Ethridge and James Taylor. That party arrived at the millsite April 1, 1853. They cut the frame timbers about where the present Jefferson street intersects Pacific avenue. At that point was located an old Indian medicine-house, forty by sixty feet, in which they camped. One of their workmen (Jake Barnhart) took the claim, which was subsequently (1853) taken by Peter Judson. In the spring of 1853, the brig *George Emery*, Captain Alden Y. Trask, took the only two cargoes of lumber shipped from the Delin mill to San Francisco. At that date, he found anchorage in five fathoms of water, where now the tide land is scarcely bare at high water. The settlement of the upper Puyallup valley began with the arrival of the immigration of 1853, which crossed the Cascade Mountains by the Nahchess Pass. Then came the Downeys, the Kincaids, the Judsons, the Woolerys, the Lanes, Van Ogle, the Wrights, the Morrisons, the Carsons and James Bell. Others also came, some of whom settled in Thurston county; and some went over to the Willamette valley. The division of Oregon early in the spring, by the establishment of Washington Territory, had been hailed by the people of the Sound as the harbinger of an early brilliant



JAMES URQUHART,

NAPAVINE, W. T.

future. Efforts were at once inaugurated to divert the overland immigration of that year to the Puget Sound basin.

In the summer of 1853, in anticipation of the overland immigration of that year, and with the desire to induce such immigrants to come direct to Puget Sound, the citizens of Olympia and Steilacoom, and in the vicinity of those towns, conceived the project of building a ferry at or near old Fort Walla Walla (Wallula), to cross immigrants over the Columbia, and thence a road *via* the Nahchess Pass of the Cascade Mountains to Puget Sound. John Edgar, an old Hudson's Bay Company employé, who was married to a Klikitat woman, was familiar with the trails used by that tribe in crossing the mountains, and in their travels to old Fort Walla Walla. He reported Nahchess Pass as practicable for a wagon road. The citizens employed Edward Jay Allen, George Shazar and John Edgar, to ascertain the practicability of the route to Fort Walla Walla, by way of that pass. Mr. Allen reported the route practicable for wagons. The citizens and neighboring farmers having subscribed over six thousand dollars in money, supplies and road labor, employed Mr. Allen to build that season what was called the "Citizens' road," to go over it, and to return with such immigrants as would come to Puget Sound.

Allen was engineer, contractor, and the soul of the enterprise. With forty men, he started from the outside settlements, expending most of the labor before reaching the summit, and built a passable mountain road through the Nahchess Pass. The eastern slope of the mountains, and thence to the Columbia, was without material difficulty. At old Fort Walla Walla they established a ferry across the Columbia river, and placed it in charge of Shirley Ensign, an old soldier of the Cayuse war, who was familiar with the region. On the approach of the "immigrant train," handbills were distributed, advertising the completion of a road direct to Puget Sound. Personal efforts were made to divert them thither. Until they had reached the summit from the eastern side, the immigrants met with no obstacle to easy travel. Through the mountains, a trail had been blazed,—nothing more. Over the huge logs, bridges of small poles had been constructed, passable for horses, but obstructions really to the passage of wagons. Fallen trees, the growth of centuries, laid across the path. Abrupt, dangerous and steep river crossings, just as nature had made them after her floods, had washed away the banks. To call it a road was an abuse of language; but over it and by it did those immigrants of 1853 travel in their journey to Puget Sound. With axe in hand after that wearisome journey over the plains to Fort Walla Walla, the men of that immigrant train of 1853, and the road-building party led by Allen, hewed their way through a mountain gorge of the Cascade Range. From the last crossing of Nahchess river to the last crossing of the Green river, it was work. Some days they accomplished three miles; but they came through with their wagons, over a road built as they marched.

The citizens had expended about $6,600 in constructing that road. The labor by them bestowed had been utilized by the United States in building a military road, pursuant to an Act of Congress. Two sessions of the Washington Legislative Assembly had urgently memorialized Congress to reimburse the citizen road-builders. At one session of Congress, an appropriation bill for that purpose passed the House of Representatives, but failed in the Senate. As stated elsewhere, Delegate Lane had secured an appropriation of $20,000 to build a military road from Fort Steilacoom, on Puget Sound, to Fort Walla Walla, on the Columbia river, *via* the Cascade Mountains. In those days, the Democratic party were in the majority in Congress. Strict construction of the Federal Constitution was a favorite theory; and appropriations for internal improvements

were among those things inhibited. While emigrant roads or wagon roads *per se* could not be constructed by direct aid from the general government, it was eminently proper that roads should be supplied to transport troops and munitions of war. Therefore a road between two forts was called a military road, and became a proper subject for government aid. And thus it was that a road between the old Hudson's Bay Company's Fort Walla Walla and the barracks leased from the same company, called Fort Steilacoom, secured congressional assistance.

On May 26, 1854, the Secretary of War selected Lieutenant Richard Arnold, U. S. Army, to expend the appropriation, directing him "to adopt the Nahchess Pass and the emigrant road wherever the latter would admit." Under instructions of Governor Isaac I. Stevens, that officer had, early in May, made an examination of Nahchess Pass, and traveled over the emigrant road to Fort Walla Walla. Lieutenant Arnold employed Edward Jay Allen, who had built the citizens' road, as contractor. He, with thirty men, expended almost the entire appropriation in improving the citizens' road, where it was most needed. Lieutenant Arnold closed his report to the Secretary of War with a request for an additional appropriation of $10,000, and an urgent recommendation "that the amount expended by the citizens of the territory in 1853 be refunded. The greater part of the road cut by them from Steilacoom to the mountains has been adopted; but for this, I do not believe the work could have been as satisfactorily carried forward" (1).

It has certainly become apparent that, although occasionally a straggling solitary settler may have located his home in previous years at some isolated or remote point north of the Columbia, yet were those residences few and far between, prior to 1851. It must also be conceded that active and actual permanent colonization on Puget Sound, north of Olympia, was not inaugurated until 1851. Previous to that date, except Bolton's shipyard, north of Steilacoom, on the bay, the saw-mill of Thomas M. Chambers on Steilacoom creek, and occasional settlements on Steilacoom plains, there were no White settlements north of Fort Nisqually. During 1851, settlements extended to and included the Steilacooms, the claims located on the prairies within the confines of the present county of Pierce, Alki Point, and upon the Duwamish river in the present King county, Port Townsend, Ebey's Landing, Oak Harbor and Crescent Harbor. It must be also apparent that, in 1852, the Sound country had commenced to attract immigration, to excite attention; that its resources and capabilities to support population were becoming known. Early in the year, as already stated, Seattle was first occupied as the home of American families. During the first year of its existence, it was visited by several vessels. Between it and San Francisco, regular voyages were being made by the brigs *Franklin Adams*, Captain Felker, and the *John Davis*, of which Captain Plummer and A. W. Pray alternated as masters. Those vessels brought merchandise and supplies, took away cargoes of piles and hewn timber, and, late in the year, timber from the steam saw-mill of H. L. Yesler, the first steam mill upon Puget Sound. In 1853, steam saw-mills were erected at Alki Point, Apple-tree Cove, Port Gamble, Port Ludlow and Utsalady (2).

In aggregating data chronicling the advent of population to Northern Oregon, exhibiting the development and growing importance of the region, the narrative has necessarily proceeded beyond the date and chronologic order of statement of important events, recurrence to which must now be made.

(1) Executive Documents, first session, Thirty-fourth Congress, Vol. I, part 2, 1855-6. Report of Secretary of War, Appendix O, page 532 *et seq.*
(2) In February, 1853, J. J. Felt built his mill at Apple-tree Cove, which was moved to Port Madison in the spring of 1854, and subsequently purchased by George A. Meigs, and enlarged. Captain William Renton built a saw-mill at Alki Point in the spring of 1853, but about a year afterwards changed his location to Port Orchard, and subsequently to the present location at Port Blakely. In July, 1853, Captain W. C. Talbot came to the Sound to build a saw-mill for the firm of W. C. Talbot & Co., composed of himself, A. J. Pope, Charles Foster and Josiah P. Keller. The latter, commanding the schooner *L. P. Foster*, arrived at Port Gamble direct from Boston in 154 days, with his family, September 5, 1853, bringing also necessary mill machinery. Port Ludlow had been taken as a site by Captains J. K. Thorndike and William T. Sayward.

In the latter part of October, 1851, Edmund A. Starling, who had been appointed Indian agent for Oregon Territory by President Fillmore, was assigned by Superintendent Anson Dart to the territory north of the Columbia called the district of Puget Sound, with headquarters at Fort Steilacoom. He made a very interesting report, embodying an approximate census of the Indian tribes within his district (1), and based upon reports made to him by the chiefs and head-men of tribes and bands. The returns of the tribes upon Puget Sound exhibited a total of 5,795; remaining bands west of the Cascade Mountains, 925. He ascribed the generic name of Klikitat nation to the Indians dwelling east of the Cascades and west of the Columbia river, estimating their number at three thousand, and divided them into five great tribes or bands.

An Act of Congress, approved February 14, 1851, created the collection district of Puget Sound and established Olympia as the port of entry. In May, Simpson P. Moses, of Ohio, had been commissioned, by President Fillmore, collector, and General William W. Miller, of Illinois, surveyor of the port of Nisqually. General Miller crossed the plains and reached the district before the collector. On the 10th of November, Collector Moses had arrived within the district, and took the oath of office before Henry C. Wilson, Esq., a justice of the peace of Lewis county, and arrived, November 15th, at the port of entry.

As the brig *George Emery*, on which Collector Moses and his family were passengers, entered the Strait of Fuca, November 9th, the sloop *Georgianna*, Captain William Rowland, passed her outward bound for Gold Harbor, on the west side of Queen Charlotte's Island. During the fall, considerable excitement had been created upon the Sound by reported rich discoveries of gold on that island. Captain Rowland, who had recently arrived at Fort Victoria, Vancouver Island, from Australia, with his sloop *Georgianna*, forty-five tons burthen, obtained some fine specimens of gold-bearing quartz from Queen Charlotte's Island, which he brought to Olympia, and advertised for passengers to that new El Dorado. She sailed from Olympia on the 3d of November, with twenty-two passengers and a crew of five (2). After passing the brig *George Emery*, the sloop continued her voyage northward, and was driven by adverse winds eastward of the island. Though her destination was Gold Harbor on the west side, Captain Rowland kept on his course, intending to work through Skidegate Channel, which divides the island. On the afternoon of the 18th of November, the sloop anchored on the east side of the island in a little harbor, called by the natives Kom-she-wah. In the evening, two Hydah Indians, who called themselves John and Charley, came aboard; their camp was across the bay, four miles distant. They refused to leave because of the wind, which was blowing fresh. At midnight, it blew heavily from the southeast; and, before daylight of the 19th, it had blown the sloop ashore, abreast of a camp of Hydah Indians. Soon a large number from that camp and the camp of John and Charley had collected on the beach. At noon, the crew and passengers of the sloop had all landed from the wreck. The Indians at once commenced to plunder from the persons of the unfortunate party. They took the caps, weapons and such clothes as they could strip off of the sufferers. The two parties of Indians numbered about one hundred and fifty; and a quarrel arose between them as to the distribution of the plunder.

(1) Report dated September 1, 1852. House Documents Vol. I. No. 71, page [illegible] Thirty second Congress second session.

(2) The following is a list of the crew and passengers of the sloop *Georgianna* on her last voyage:
Crew: Wm. Rowland, captain; Duncan McEwen, mate; Benjamin Gibbs, Richard Gibbs, and a Kanaka cook named Tamaree.
Passengers: Asher Sargent, E. Nelson Sargent, Samuel D. Howe, Ambrose Jewell, Charles E. Weed, Daniel Show, Samuel H. Williams, James McAllister, John Thornton, Charles Hendricks, George A. Palege, John Remly, Jesse Ferguson, Ignatices Colvin, James K. Hurd, William Mahard, Solomon S. Gideon, George Moore, B. F. McDonald, —— Seidner, Sidney S. Ford, Jr., and Isaac M. Browne.

Indian John had offered to shelter the party at his house, if they would abandon the wreck. Finally a compromise was effected, the *Georgianna* party offering, if John and Charley would deliver them at Fort Simpson as soon as the weather justified, to pay a large ransom. The beach party then received the sloop as their booty. She was completely stripped. The sacks of flour were brought out and cut, the flour being emptied out for the sake of the sacks. The passengers were deprived of their blankets and clothing; but, beyond plunder, the Hydahs seemed to have no hostile intentions. It was manifest that gain was their real motive. They were already acting upon the belief that a large ransom would be paid for the surrender of the captives at Fort Simpson.

The *Georgianna* party crossed over to the camp of John and Charley, where they were all assigned to a house seventy by forty feet, about twelve feet high, occupied by ten families, each averaging from five to eight members. Their blankets had all been stolen; but, after much persuasion, one blanket was returned for the joint use of Captain Rowland and Asher Sargent, both of whom were old men, and were represented by their fellow-captives as "*tyees*," or chiefs at their home. The only labor imposed was supplying the house with fuel and water. A meager supply of Indian food was allowed. Occasionally, in their hearing, the savages discussed the proposition of distributing the party as slaves. Scant of clothing and at all times subject to have stolen the little which remained, their captivity among the Hydah Indians was hard to bear and humiliating in the highest degree.

From the first, the Indians had promised that, as soon as the weather would permit their crossing over to the Hudson's Bay Company's Fort Simpson, the captives should be taken to that post (1). On the 6th of December, Samuel D. Howe having been selected by his fellow captives to make the voyage to Fort Simpson, the Indians furnished a large canoe with a crew of seven Hydahs, who, with three of the crew of the wrecked sloop, started on that perilous winter voyage to Fort Simpson, in quest of relief. Mr. Howe having referred to the wreck and their previous captivity, thus graphically described that venturesome mission:

"After the lapse of eighteen days, and after much evasion, the Indians consented to send a canoe with one of our number and three of the crew to Fort Simpson to negotiate for our release. I was selected for the mission, and authorized to make all necessary terms and conditions with Captain McNeil, then in charge of the Hudson's Bay Company's post (Fort Simpson). Accompanied by Captain McEwen, late first mate of the sloop, Ben Gibbs, a sailor, Tamaree, the Kanaka cook, and a crew of seven Hydah Indians, we set out for that post, and safely reached it after a voyage of five days, in the dead of winter and without blankets. The arrival of such a party, at such a time, in such a condition, created quite an excitement among both Whites and natives.

"We were at once furnished something to eat and a change of clothing, and felt that our suffering companions were soon to be relieved; but in this we were sadly disappointed. We remained at Fort Simpson about four weeks. We importuned Captain McNeil at all fitting opportunities to send assistance to our unfortunate comrades, who invariably promised to send canoes for them, but never made the slightest attempt at keeping his word.

"He even required us, while waiting for him to dispatch relief to the captives, to stand guard at night as a return for the blankets and subsistence we received at the fort. When that kind gentleman (John Work, Jr.), whom we shall always remember with

(1) Narratives of Charles E. Weed, Samuel D. Howe diary of Captain George Moore, and letter of Captain William Rowland.



COL. JAMES TAYLOR,
ASTORIA, OR.



MRS. ESTER TAYLOR.

gratitude, communicated to us this order of McNeil, that we must earn these blankets by standing guard, we told him we did not object to making ourselves useful in any manner while there, but we did not like the compulsion of exacting service as a compensation for the necessities to preserve us from the winter's cold or starvation. With the exception of Captain McNeil, all the servants and employés of the company treated us with great kindness and attention."

Captain Lafayette Balch, with his schooner *Damaris Cove*, was at Neah Bay on the 9th of November, and had there boarded the sloop *Georgianna* as she passed out seaward. He also visited Collector Moses on the brig *George Emery*, of which vessel he was owner. Shortly afterward he sailed northward for Gold Harbor, expecting to meet there the sloop *Georgianna*. He was advised of the wreck and the captivity of the passengers, but was unable to get to them or to relieve them, and was actually compelled to leave the island December 1st, in consequence of hostile acts by the natives. He arrived, December 11th, at Port Steilacoom, and addressed a communication to Collector Moses, inclosing a letter of Captain Rowland, dated November 25, 1851, in which occurred this language:

"I was cast away in latitude fifty-two degrees, fifty-two minutes, on the east side of this island (Queen Charlotte's) on the 19th of this month, in a heavy gale of wind from the southeast, with twenty-two passengers and five of crew from Olympia, November the 3d, and have succeeded in getting on shore. The Indians have robbed us of every necessary and some of the clothing of our bodies; and we are left without one blanket or shirt to shift. Consequently, we are in a most wretched and deplorable condition; therefore we, all of us, do earnestly pray you, if there is any possible means to render us any assistance, to send it as quick as possible."

Captain Balch wrote to the collector. "I am in hopes that you will take some immediate steps for their relief. They will undoubtedly remain on the island until they are ransomed or taken by force; but I do not think that the Indians will attempt their lives, their object being plunder."

Appeal was made to Captain Bennett H. Hill, First Artillery, U. S. Army, commanding at Fort Steilacoom. To old Governor John Work, a chief factor of the Hudson's Bay Company, then on a visit to Fort Nisqually, Captain Hill applied for information as to the probability of relief coming from Fort Simpson to our captive fellow citizens. Governor Work replied December 12th:

"Should the unfortunate passengers and crew be able to reach Fort Simpson, I have no doubt that Dr. Kennedy (the gentleman in charge) will render them every assistance in his power; but the difficulty will be for them to get there. The shortest traverse from Queen Charlotte's Island, east side, near its north end, to the islands bordering on the main land, is about thirty miles, and dangerous except in fine weather. Besides, along the east shore of the island, from where I judge the unfortunate people are, to where the traverse is taken, is a considerable distance; and from the want of shelter and the heavy surf generally breaking on the shore, especially towards the north, the navigation is also dangerous even for the skillful Indians with their canoes. Besides the danger of the navigation, the Indians of Queen Charlotte's Island are at war with the Chimsyans, who reside about Fort Simpson, and I fear will not be easily induced to go there, especially at this season; and probably no intelligence will reach Fort Simpson of the unfortunate occurrence; and even should it be heard of there, I doubt whether the Chimsyans would be induced to venture among their enemies. Fort Simpson, when I left, was short-handed, and I doubt whether the safety of the Fort would admit of Dr. Kennedy being able to send any adequate assistance of white men.

"The Hydahs (Queen Charlotte's Island Indians) are reckoned the worst natives on the coast, and have less intercourse with the Whites than the others. They may probably have distributed the unfortunate people among them, so that when assistance comes it may require some time to collect them; and most likely high prices will be demanded before they will be given up. I don't think they will harm them except they be induced to do so to obtain their property. They can't withstand any inducement to plunder, even among themselves, whenever an opportunity offers.

"Allow me to suggest that the only plan I see of furnishing immediate relief to the sufferers would be to send some of the vessels now in the Sound, well manned and armed; and if such a person could be got, some person on board acquainted with the coast."

There was no United States government vessel nearer than San Francisco. No revenue cutter was stationed in these northern seas,—nothing here to redeem the unfortunates from that horrible captivity. The collector at once resolved upon his course. That night, December 12th, he hastened to Steilacoom, to consult Captain Hill and Captain Balch. After some correspondence with Captain Hill in regard to ammunition and a detail of United States troops, Collector Moses chartered the schooner *Damaris Cove*, Captain Lafayette Balch, "mounted with four pieces of cannon, provisioned for twenty men from the port of Olympia, and fifty men returning, to sail immediately for the east side of Queen Charlotte's Island." Captain Hill subsequently detailed a corporal and five men, under command of Lieutenant John Dement, First Artillery, U. S. Army. To Lieutenant Dement was given a letter of credit to enable the purchase of blankets, etc., at Fort Victoria or Fort Simpson, sufficient to ransom the captives (1). On the 9th of December, the *Damaris Cove* sailed, effected the release of the captives, who all safely returned and arrived at Port Steilacoom January 31, 1852. On the 20th of March, 1852, Thomas Corwin, Secretary of the Treasury, thus wrote to the collector of customs:

"I acknowledge the receipt of your letter of the 22d of December last, with its accompanying documents, relative to the expense of fitting out, on your own authority, a military expedition for the rescue of the captain, crew and passengers of the sloop *Georgianna*, held prisoners by the Indians of Queen Charlotte's Island in the British territory, where the said vessel had been wrecked; but the Department does not, nor has it the power to, recognize an act by which you constituted yourself the representative of the government of the United States in such an emergency; and whatever may have been the motives which prompted the formation of such an unauthorized military expedition, it cannot be sanctioned by the payment of the expense referred to in your letter."

In this painfully humiliating record, how strikingly was exhibited the neglect of this region at that period by the general government, and the readiness at the Federal capital to rebuke the taking of responsibility by a public officer, who to his infinite credit assumed the duty of obeying the instincts of humanity, though it did conflict with the routine of official duty, and might subject him to removal from office. At the first session of the Legislative Assembly of the territory of Washington (March 21, 1854), an earnest memorial went forward to the Congress of the United States, praying that the expenses incurred in that expedition, to restore from Indian captivity our fellow citizens, might be paid by the United States. The gallant Lafayette Balch was a member of that first territorial Council. Samuel D. Howe, one of those captives, and who had made that canoe voyage of one hundred and sixty miles in that wintry sea without blanket or food to beg relief for his captive brethren, was a member of that first House of Representatives.

(1) The ransom paid for each captive was five blankets two shirts, one bolt of muslin and two pounds of tobacco.

Though justice had been delayed, though relief had long been denied, yet Congress granted the prayer of the people of Washington made through their representatives. On the 4th of August, 1854, the sum of $15,000 was appropriated, or so much thereof as might be necessary to enable the State Department to reimburse those who had fitted out that expedition of mercy to relieve citizens of the United States from captivity among British Indians, an expedition commanded alike by patriotism and humanity.

Other interesting incidents happened contemporaneously with the disastrous enterprise of the gold miners who sailed in the sloop *Georgianna*. On the 28th of November, the Hudson's Bay Company's steamer *Beaver*, Captain Charles E. Stuart, towed that company's brigantine *Mary Dare*, Captain William A. Mouat, to Budd's Inlet, on which the Olympia custom-house was situated. Both vessels anchored about two miles north of the town and were immediately boarded by the deputy collector (Elwood Evans), who was accompanied by two temporary inspectors (Colonel Isaac N. Ebey and Andrew J. Simmons), who were respectively assigned to duty on the two vessels. The *Beaver*, employed as a towboat, reported in ballast. The *Mary Dare*, from Fort Victoria, had for her cargo the usual annual supply of company goods and merchandise for the post, Fort Nisqually.

Colonel Ebey, inspector on the *Beaver*, reported, December 1st: "The *Beaver* has no ballast except coals. I found, however, a quantity of Indian trading goods not upon the manifest, to the value of $500; also that both vessels, before reaching the port of entry, had anchored at Fort Nisqually for fifteen hours; that six passengers and their baggage had been landed without permit, and that boats during all that time were passing between the shore and both vessels." As to the *Mary Dare*, Inspector Simmons reported the presence of a package of refined sugar weighing 230 pounds, in violation of section 103 of the Act of Congress approved March 3, 1799, which provides: "Refined sugar cannot be imported in packages of less than six hundred pounds weight, under penalty of forfeiture of the sugar and the vessel in which it is imported."

Technically, to say the very least, both vessels had utterly disregarded the plain requirements of the United States revenue laws. In both instances, there was apparent a manifest violation of the letter of that law, the execution of which, according to its letter, was the bounden duty of the collector. This time he insisted upon an observance of the law. He literally obeyed the published instructions of the Treasury Department. On December 1st, he ordered the seizure of both vessels. Those seizures necessitated a special term of the court of the third judicial district of Oregon Territory (1), which was the first term of a district court held at Olympia. That court was held January 20, 1852, by Hon. William Strong, Associate Justice of the Supreme Court of Oregon Territory, and Judge of the third judicial district, which included Lewis county. David Logan and Simon B. Marye, of the Portland bar, accompanied the Judge. The former acted as United States Attorney. The latter appeared as counsel for the Hudson's Bay Company, the owner of the seized vessels. Quincy A. Brooks was appointed acting clerk. Alonzo M. Poe was appointed Deputy United States Marshal; and he accepted a bond of $13,000 for the *Mary Dare* and the sugar. Messrs. Daniel R. Bigelow, Isaac N. Ebey, Quincy A. Brooks, Simpson P. Moses and Elwood Evans, were admitted to practice as attorneys of the courts of Oregon.

(1) Territorial courts at that time, and for years thereafter, rejoiced in the high-sounding title, "United States District Court of Oregon," and were so regarded by bench, bar and people. Later they were held to be mere territorial courts, clothed with Federal jurisdiction when it became necessary to invoke it in the trial of Federal or admiralty causes. They then assumed the name "District Court of the———Judicial District, Territory of———for———County, etc." The Judge, when necessary, exercised United States Circuit or District Court jurisdiction, as the nature of the case required.

On the 21st of January, libels were filed against the steamer *Beaver*, Captain Charles E. Stuart, master, and against certain articles of cargo, praying for the usual process. The court allowed a warrant for the arrest of Captain Stuart, but denied the arrest of the vessel, holding that, for violations of the revenue law by the master of a vessel, he was punishable by fine and imprisonment, but that the vessel could not be held liable for his criminal acts. The captain of the *Beaver* at once disappeared. That night in a large canoe he left Fort Nisqually for Fort Victoria. Then, as now, Victoria proved a sanctuary for violators of the law in United States territory. A libel was also filed against the brigantine *Mary Dare*, and the package of sugar. Upon the next day, on motion of the respondent's attorney, the collector was directed by the court to proceed. No answer nor defense was attempted to be made to the allegations of the libel against the *Mary Dare* and the package of sugar, except that Mr. Tolmie, chief trader in charge of the Hudson's Bay Company's business at Fort Nisqually, gave notice in open court of his having made petition to the Secretary of the Treasury for a remission of the forfeiture. Judge Strong proceeded to take the proofs, which he certified to the Treasury Department, accompanying the petition. Those seizures resulted thus: "Trading goods not upon any manifest, to the value of $500, were brought into the district from a foreign port, were seized upon the vessel thus importing them. The court holding that the vessel was not liable for such acts of the master, discharged her; and the master fled the jurisdiction of the court. The sugar-supplied *Mary Dare* is bonded for $13,000, to await the action of the Secretary of the Treasury;" and so, upon the 24th, the court adjourned *sine die*. That day Doctor Tolmie paid the duties upon the cargo of the *Mary Dare;* and she was towed out of Olympia harbor by the steamer *Beaver*. At the April term, 1853, in the same court, the case of the *United States* vs. *Charles E. Stuart* was, on motion of the district attorney, stricken from the docket. In the *Mary Dare* proceedings, entry was made: "In this cause, the forfeiture having been remitted by the Secretary of the Treasury, the costs are taxed, etc., etc."

The first Fourth of July celebration at Olympia took place this year (1852). Daniel R. Bigelow was the orator. Simpson P. Moses read the Declaration. Frank Shaw acted as marshal. The commemoration attracted settlers from all parts of Northern Oregon, many of the Sound settlements being largely represented. After the ceremonies of the day had been concluded, an enthusiastic meeting was improvised, and the division of the territory discussed. It resulted in an arrangement for a convention to be held during the fall to promote that object. In September, the first number of the *Columbian* was issued at Olympia by James W. Wiley and Thornton F. McElroy, the former named being the editor. The journal was devoted generally to the advocacy of the interests of Northern Oregon and Puget Sound. It especially championed the division of Oregon, and the formation of a separate territory north of the Columbia river, to be nominated "Columbia." The division question had long been agitated. As early as 1851, several county meetings had been held; but in the fall of 1852 it became the all-absorbing subject with the people. Conventions were held and delegates elected by all the counties and communities north of the Columbia, and west of the Cascade Mountains, to attend a convention at Monticello, Cowlitz river, on the 25th of November, 1852. At that convention, George N. McConaha, of Seattle, presided. R. J. White was secretary (1). A manly, temperate, straightforward

(1) The following is a list of the delegates to the Monticello convention: George N. McConaha, R. J. White, Quincy A. Brooks, L. L. Davis, Arthur A. Denny, E. H. Winslow, David S. Maynard, A. B. Dillenbaugh, Stephen D. Ruddell, Charles C. Terry, Seth Catlin, William Plumb, Hugh Allen Goldsborough, George Drew, Simon Plemandon, Charles S. Hathaway, William N. Bell, A. Cook, A. F. Scott, Luther M. Collins, Nathan Stone, Calvin H. Hale, Edward J. Allen, John R. Jackson, Frederick A. Clarke, Adam Wylie, John N. Low, Andrew J. Simmons, Michael T. Simmons, Loren B. Hastings, Benjamin C. Armstrong, Sidney S. Ford, Sr., Wm. A. L. McKorkle, Nathaniel Ostrander, Eugene L. Finch, Henry Miles, Simpson P. Moses, Peter W. Crawford, C. F. Pater, A. Crawford, Henry D. Huntington, J. Fowler.



JOHN HARFORD,

PATAHA CITY, W T

memorial was unanimously adopted, praying for the establishment of a territorial government in "that portion of Oregon Territory lying north of the Columbia river and west of the great northern branch thereof," to be called the "Territory of Columbia."

That memorial was sent to General Joseph Lane, Delegate to Congress, signed by the members of the convention. Early in the session (1852–3), the memorial, on motion of Mr. Lane, was referred to the Committee on Territories, with instructions to report by bill. In the meantime, the Oregon legislature (1852–3), of which Colonel Isaac N. Ebey was the member from Lewis county, had passed a legislative memorial, with almost entire unanimity, urging the division of Oregon and the formation of a territory to be named "Columbia" on the north side of the Columbia river. On the 8th of February, 1853, the United States House of Representatives took up the bill "to organize the Territory of Columbia."

The bill was earnestly supported by Delegate Lane, who, in advocating its passage in a speech in the House, said: "Aside from the seeming reflection upon the legislative department of the government of Oregon, and waiving the consideration of what is therein represented as sectional strife between the people north and those south of the Columbia, I can scarcely hope to add to the causes set forth in this memorial, and to what I have already remarked, in the expectation of influencing this House in favor of the passage of this bill."

On motion of Robert H. Stanton, of Kentucky, the bill was amended by striking out the word "Columbia" and inserting "Washington" in lieu thereof. On February 10, 1853, the bill thus amended passed the House by a vote of one hundred and twenty-eight yeas to twenty-nine nays, the nays by states being: Ohio, two; Indiana, one; Alabama, five; North Carolina, four; South Carolina, three; Georgia, four; Tennessee, four; New York, two; Virginia, one. On March 2d, the bill passed the Senate without opposition. On the same day, it received the signature of Millard Fillmore, President of the United States. The territory of Washington had been established. By its Organic Act, the boundaries were defined as follows: "That from and after the passage of this act, all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia river, from its mouth to where the forty-sixth degree of latitude crosses said river, near Fort Walla Walla, thence with said forty-sixth degree of latitude to the summit of the Rocky Mountains, be organized into and constitute a temporary government, by the name of the *Territory of Washington*."

Chapter XXXIX.

(1853–1859.)

Appointments of Territorial Officers by President Pierce — Reconstruction of Judicial Districts — The Election of General Lane to Congress — Arrival of Governor John W. Davis — Session of Legislature, 1853-4 — First Attempt to Call a Constitutional Convention — George L. Curry Succeeds Governor Davis — Session of Legislature, 1854 — Multnomah County Established — Legislative and Congressional Proceedings as to the Admission of Oregon as a State — Ex-Governor Gaines Nominated by Whigs for Delegateship — Election of June, 1855 — General Lane Re-elected — The Constitutional Convention Defeated — Re-Agitation of Location of Capital — Session of Legislature, 1855-6 — Counties of Curry and Josephine Organized — Organization of the Republican Party in Oregon — General Lane Renominated by Democrats — The Opposition Supports George W. Lawson, Independent Free-Soil Democrat — Election of June, 1857 — General Lane Re-elected — Large Majority for Constitutional Convention — Session of Legislature, 1857 — Election of 1858 — L. F. Grover Elected to Congress — State Organization — General Lane and Delazon Smith Elected United States Senators — Session of Legislature, 1858 — Oregon Admitted as a State, February 14, 1859.

EARLY after the inauguration of President Franklin Pierce, the supplanting of the Whig Federal officials of the territory followed. Judge Pratt was nominated to the Senate as Chief Justice of the Supreme Court, which assigned him as presiding Judge of the court of the second judicial district as then constituted. The nomination, however, having been withdrawn before action by the Senate, George H. Williams of Iowa was appointed successor to Chief Justice Nelson. Matthew P. Deady (1) and Cyrus Olney were appointed Associate Justices. Mr. Justice Deady was assigned to the first district, or southern Oregon counties, and Judge Olney to the northern counties, or third judicial district, which had been materially abridged in extent by the counties north of the Columbia river having been detached by operation of the Washington Territory Organic Act. As a consequence of this diminution of the jurisdiction of the third judicial district, and to more approximately equalize judicial labor, the legislature, at its next session, redistricted the territory, placing Marion, Linn, Lane, Polk and Benton counties in the first district, to which Chief Justice Williams was assigned. Clatsop, Washington,

(1) After Judge Deady had entered upon the performance of his judicial functions, a commission was issued to Obadiah B. McFadden, of Pennsylvania, as an Associate Justice of the Supreme Court of Oregon. That gentleman came to the territory in the fall of 1853, and claimed to be judge of the district over which Judge Deady presided. Judge McFadden qualified, and held one term of court in that district. He was then appointed an Associate Justice of the Supreme Court of Washington Territory. Judge Deady, having in the interval been re-commissioned Associate Justice of Oregon, was reinstated in the district to which he had been originally appointed, or intended so to be. It was alleged that this political or judiciary fiasco arose from the misspelling of the christian name of the distinguished Judge, and that such clerical misprision had rendered void his appointment, confirmation and commission; that, to avoid the evil results of so great an error, a new appointment had become necessary. Judge Deady's appointment had, however, proved entirely satisfactory. Judge McFadden, although among the best of men and a sound and capable jurist, as his long and popular judicial career in Washington Territory abundantly demonstrated, was, under the circumstances, received with coolness and popular disfavor. Whether Judge Deady was "spelled down" intentionally or maliciously, or whether the mistake was inadvertently made, may never be known; but none will challenge the statement that Matthew P. Deady, after his restoration to judicial honors, rapidly rose to the "head of the class."

Yamhill and Clackamas counties were constituted the second district, with Judge Olney presiding judge. The third district included the counties of southern Oregon, the district courts of which were held by Judge Deady.

General Joseph Lane was appointed Governor, and George L. Curry, Secretary (1). Governor Lane reached Oregon City on the 16th day of May, and within a few days resigned to accept the Democratic nomination for delegate to Congress. At the June election, 1853, Judge Alonzo A. Skinner was the Whig nominee for Congress, a candidate eminently qualified for the office; a nominee creditable to the party who made the selection; a man who, had he have been elected, would have reflected honor upon himself and his constituency. Each party had in the field its strongest man; each made its best efforts. The conflict was warm, at times and places bitter, always earnest and exciting. The Democracy, under its popular leader, with its prestige of national supremacy and territorial success, of course triumphed. General Lane received 4,516 votes. Judge Skinner 2,951 votes.

Dr. John W. Davis of Indiana (2), who had been appointed to succeed General Lane as governor, arrived at Salem December 2, 1853. The annual session of the Legislative Assembly (1853–54) was about to commence. Fresh from the Atlantic side of the continent, a personal stranger, he declined making a formal message, but courteously informed that Assembly that from time to time it would be a pleasant duty to communicate such information as the official records contained. It had been too often the custom for imported officials to act upon the belief that the people who had abandoned the eastern States and had found their way to the western verge of the continent knew but little; that legislators and the people who selected them needed instructions. This instance was an exception. Here was a statesman of national reputation willing to tarry a little while until he became advised of what might be needed before he should make a mere exhibit of that "little brief authority," which exhibit, when prematurely or needlessly made, might cause "angels to weep." It certainly never added to the popularity of an office-holder.

At that session, little but routine and local legislation was done. The usual memorialization to Congress upon every conceivable subject, in behalf of every locality, was not omitted. A law providing for the organization of militia, and providing for the election of necessary military officers, was passed. The first attempt was made looking to the admission of Oregon as a state. A bill was passed providing for submitting, to the vote of the people, the propriety of holding a convention to frame a state constitution (3).

On August 5, 1854, Governor John W. Davis resigned his commission of governor and started for his home in Indiana. He had proved a satisfactory public officer. To him no objection had been made, save alone that the people had so learned to believe that their officials should be selected from the territory, that they called an appointee from abroad an "imported official;" and to a certain extent such epithet carried with it popular

(1) The remaining offices in the gift of the President were filled during the year 1853 as rapidly as possible and were as follows: Joel Palmer, Superintendent of Indian affairs; Benjamin F. Harding, United States Attorney; James W. Nesmith, United States Marshal; John Adair, Collector of Customs at Astoria; Addison C. Gibbs, Collector of Customs at Umpqua; General A. L. Lovejoy, Postal Agent; William M. King, Robert W. Dunbar and Peter G. Stewart, were appointed Surveyors respectively of the Ports of Portland, Milwaukee and Pacific City, in the order named.

(2) Upon Governor Lane's resignation, Secretary Curry, acting governor by virtue of his office, assumed the performance of executive duties. In November, Dr. John W. Davis of Indiana, late speaker of the United States House of Representatives, was commissioned governor of Oregon Territory. He arrived at Portland *en route* to Salem in the last days of November, where the author met him. He was talented, practical, unassuming, a man of good administrative ability, a genial, accessible and social gentleman. Personal politics still reigned in Oregon. The new governor engaged in social amenities without having considered the political *status* of his associates. Some of us were Whigs. He was cautioned. The author will not forget the manly indignation of Governor Davis at the attempt to control his social relations. His politics, though of the ultra-Democratic school, did not include social alienation and estrangement because of political opinions.

(3) The proposition to hold a convention to frame a state constitution preparatory to admission into the Union was defeated at the election of 1854 by the following vote: For, 3,210; against, 4,079. The real reason of that defeat was alleged to have been that the southern counties were strongly opposed. While this was a pet measure with the Democracy, and those counties were Democratic counties, yet the project had been agitated to create a new territory of Northern California and Southern Oregon. The admission of Oregon as a state would of course have put the *quietus* on such a scheme.

opprobrium. Such, and such alone, was the only offensive criticism of Governor Davis or his administration. He had consistently stood aloof from any "clique" within the dominant party; such term at that time was the popular phrase applied by either wing or faction to those who acted in the other. Though an ardent party man, he had no sympathy with that personal rancor which at that period imbued Oregon politics. Ostensibly, he desired to return to his home, to give attention to his private business affairs. Really, he escaped from a political turmoil most distasteful to his amiable nature. In November, Secretary George L. Curry (1), who had again acted as governor since Governor Davis' departure from the territory, received the appointment of governor. District Attorney Benjamin F. Harding was transferred to the office of secretary; and William H. Farrar succeeded to the district attorneyship.

At the session of the Legislative Assembly which convened in December, 1854, one of the principal measures passed was the establishment of Multnomah county, which had failed to pass the previous session. The subject of calling a convention to frame a state constitution occupied considerable of the session. The act as originally introduced proposed the appointment of a committee to draft a constitution to be submitted to a vote of the people. That scheme, however, met with little favor; and the proposition, after protracted discussion, ultimated in passing a bill submitting to the popular vote, at the next general election, the question of holding a convention to frame a state constitution. Contemporaneously with the action of the territorial legislature, Delegate Lane had introduced in Congress an act enabling the people of the territory west of the Cascade Mountains, and south of the Columbia river, to form a state constitution preparatory to admission as a state to the Union. This act passed the House of Representatives, but failed in the Senate.

Much time was expended at that session in discussing the location of the public buildings. The appropriation for building the capitol had been exhausted; and the building was not nearly completed. The penitentiary appropriation had been nearly expended; and much work remained to be done to render the building of any utility for the purpose designed. As to the university, but little progress had been made beyond securing a site at Corvallis for the buildings; and but a small sum had been realized from the sale of the university lands. In this condition of affairs, an act was passed on the 13th of January, 1855, providing for the removal of the seat of government to Corvallis, and the university to Jacksonville. A new board of commissioners, to secure the erection of necessary buildings, was named; and the act declared that thereafter every session of the legislature should be held at Corvallis. In the meantime, Congress had appropriated $27,000 to complete the capitol at Salem, and $40,000 for the penitentiary, with the proviso that such buildings were to be completed without further aid from the United States.

(1) George L. Curry, a native of Philadelphia, Pennsylvania, was born July 2, 1820. Having lost his father, he went with an uncle to Boston at the age of eleven and was bound as an apprentice to the jewelry trade. While yet a youth he was devoted to literary labor, delivering addresses and reading original poems before the Mechanics' Apprentice Library of Boston, of which association he served two terms as president. In 1844, he started west, stopping at St. Louis. He was employed in the publication office of the *Reveille* until 1846, in which year he crossed the plains, arriving at Oregon City August 30th. He soon assumed the editorship of the *Oregon Spectator*, in which capacity he continued for several months. In March, 1848, he commenced the publication of the *Oregon Free Press*, the first weekly journal issued on the Pacific slope. It was printed on a press made in the country. Its display type was also cut out of Oregon wood. This enterprise subsided within its first year, greatly attributable to the exodus to the California mines. Prominently in politics and before the public for several years, without solicitation on his part, in May, 1853, the office of Secretary of the Territory was conferred upon him by President Pierce. As acting governor and future governor during the territorial life of Oregon, he became so identified with its progress and development that its history is his biography. After it had become a state, he still continued a prominent figure in its politics until his death, which occurred July 28, 1878, at the city of Portland. Ever active and zealous in politics, the favorite of Oregon's most ultra-partisans, yet he was respected by opponents for his genial qualities, his consistency of life, his faithfulness to himself and friends. How truthfully his characteristics are summed up in the tribute to his memory (Pioneer Proceedings, 1878, page 80): "He was of a singularly amiable disposition, honorable, and gifted with a versatility of talents to such a degree, that whatever he undertook was well performed. Though his public life was wholly within the period when personal rancor poisoned politics, and but few escaped the venom of malevolent criticism, yet no one ever insinuated a dishonorable act by him. He was in every sense a self-made man. By hard study and constant reading he had acquired a wealth of information, and as a well-read student he had few equals. Much of his leisure was devoted to literary pursuits; and his graceful pen has adorned the best publications of the state."



CAPT. H. L. TIBBALS,
PORT TOWNSEND, W. T.

In April, 1855, the Democratic territorial convention met at Salem, and renominated General Joseph Lane. On the 18th of the same month, the Whig convention was held at Corvallis, and nominated ex-Governor John P. Gaines. In the *Oregon Statesman*, its editor, Asahel Bush, thus introduced the nominee and prospectus of the Democracy: "Jo Lane, a Democratic legislator, Democratic prosecutor, Democratic everything." The Whigs with equal defiance adopted a laconic platform: "General Gaines against the world." The canvass was earnest, not to say bitter. Governor Gaines was charged with being the Know-Nothing candidate; and there were elements of population in the territory, who were quite numerous, to whom a candidate so charged would be *obnoxious*. At all events, the prediction of the *Statesman* was sufficiently verified. General Lane was re-elected by the handsome majority of 2,235 in a total vote of 10,021. Two Whig representatives and two Whig councilmen only were elected to the legislature; and all the prosecutors elected were Democrats. The state constitutional convention scheme was again defeated by the popular vote. In favor of a convention there were 4,420 votes, against 4,835.

In the month of April, 1855, territorial printer Asahel Bush had moved the publication office of the *Oregon Statesman* to Corvallis. That circumstance, together with the previous removal of the offices of the governor and secretary to Corvallis, had given origin to the derisive term, "The capital on wheels." The First Comptroller of the Treasury Department but shortly afterwards notified the governor and secretary of the territory that the relocation act of the session of 1854–5 was without force or effect until it had received congressional approval; that no expenditures of government money must be made except at Salem; that contracts made for expenditures for the public buildings at that place must not be annulled; and that no member of the Legislative Assembly should be paid mileage or per diem for attending a session convened at any other place than Salem. Governor Curry and Secretary Harding returned to Salem with their respective offices. Work was resumed on the public buildings at Salem.

On the 2d of November, 1855, a company was organized at Portland by Charles F. Johnson, an employé of the Alta California Telegraph Company, who introduced telegraphic communication between Portland and Oregon City. The first telegraphic message was transmitted between the two cities upon the 16th of November. The line had been extended southward to Salem in the fall of 1856; but it was never utilized nor kept in repair. Some six or seven years had elapsed before telegraphic communication was completed to California.

The time approached for the session of the legislature (1855–56). The knowledge had spread as to the implicit instructions received in September by Secretary Harding from the First Comptroller as to the *status* of the relocation of the capital. It seemed to have put a *quietus* on any governmental recognition of Corvallis as the seat of government. Those instructions may be stated thus: No congressional appropriation must be disbursed for capitol buildings except at Salem. The legislature must meet at Salem, or the members will not be paid by the United States for mileage or attendance. Those instructions asserted the law voidable and inoperative until sanctioned by congressional approval. A sort of compromise programme met with favor, which was ultimately acted upon. It was thought that the legislature, to conform to territorial law, which might be law till congressional disapproval, to make its organization legal, should meet at the time appointed by law at Corvallis, the place designated by an act of the legislature, where "every session, general or special, must be held;" that adjournment to Salem was

necessary, which would carry with it the legalization of legislative proceedings thereat, and also secure compensation for members' services. Consonant with such programme, a large quorum of both houses assembled at Corvallis, December 3, 1855. On the 6th, Lafayette Grover introduced the first and only bill passed at Corvallis. Its purpose was to relocate the seat of government at Salem. On the 10th, that bill passed the House, to take effect and be in force on the 12th. Its passage was immediately reported to the Council; but there was no quorum of that body in session. On the next day, the Council proceeded to its consideration. Amendments were offered suggesting a location by the popular vote; and different towns were in turn named for the capital, all of which were severally defeated. The Council then amended the section, fixing, as the time of taking effect, the 15th instead of the 12th, and returned the bill to the House for concurrence. The House promptly concurred; and the Assembly adjourned to meet at Salem, at which city the session was resumed on the 18th. On the night of the 29th, the capitol buildings were fired by an incendiary, the buildings destroyed, and the territorial library and furniture consumed.

At that session (1855–56), the accustomed budget of memorials were adopted, among which was one for the removal of General Wood, U. S. Army, from the command of the Department of the Pacific, and another for the removal of Joel Palmer from the office of Superintendent of Indian Affairs. Joint resolutions were passed censuring the Surveyor-General and Postal Agent. The counties of Curry and Josephine were organized. A bill was passed providing for an election to be held in April for delegates to a convention to frame a state constitution, and at the same election to take the sense of the people as to holding such convention. Delegates were elected. They held no convention, as the vote on the propriety of holding the convention was 4,097 in favor, and 4,346 against. An act was also passed providing for the submission to a vote of the people the selection of the seat of government. The legislature adjourned on the 21st of January.

At the general election in June, in accordance with the provisions of the act of the Assembly, a vote was taken on the relocation of the seat of government. Eugene City received 2,627 votes; Corvallis received 2,327 votes; Salem 2,101 votes; and Portland 1,154 votes. The act had provided that the returns should be filed in the office of the secretary of the territory within forty days from the date of the election, at the expiration of which time that officer should canvass the vote and declare the result. The counties of Wasco, Tillamook, Jackson and Josephine failed to forward returns. The secretary thus announced the official result: Eugene City received 2,319 votes; Salem 2,049 votes; Corvallis 1,998 votes; and Portland 1,154 votes. By the provision of said bill, should neither place voted for at the June election receive a clear majority, a special election was to be held on the first Monday in October, at which election the places to be voted for should be restricted to the two places which had received the highest number of votes at the general election. At the October special election, the contest was between Eugene City and Salem. By that time, the feeling had become one of apparent indifference. The people had generally settled down to the belief that Congress would have to approve any territorial enactment removing or relocating a seat of government to make it operative; and that, until such approval, the appropriation for the erection of a capitol would be expended at Salem; and also, that a legislative assembly meeting elsewhere than at Salem would neither be recognized nor paid. In the counties of Marion, Tillamook, Polk, Curry and Wasco, elections were not held. In the rest of the territory, Eugene City received

2,559 votes; Salem 444 votes; and Corvallis 318 votes. Although Eugene City had received a large majority as the place for the seat of government, yet no regard was paid to that popular verdict. Both the Supreme Court and the Legislative Assembly alike ignored the law providing for the vote and the vote itself. Both their annual sessions convened at Salem; and that city continued to be the capital of Oregon.

At that legislature (1856–57), the act passed providing for holding a convention in August, 1857, to form a state constitution, should the popular vote at the general election in June be in favor thereof. The southern counties had abandoned the idea of a new territorial government to be composed of Southern Oregon and Northern California. The people had grown ready for home rule. They were heartily tired of the annoyances incident to the territorial condition. They had learned, in the capital controversy, that Congress, not themselves, controlled the settlement of their purely local affairs. The hope was large that, if they became a state, the increased political influence (a vote in the national House of Representatives, and senatorial representation) would assist in securing the recognition and payment of their Indian war debt, a debt which had accrued because the general government had ignored them, a self-imposed liability which never would have been necessary had Oregon been represented as a state in the Congress of the nation.

The period had also been reached when the transition of Oregon from territorial tutelage to statehood was at hand. With that change, state politics must necessarily assume a kindred character with those tenets of political faith professed by the great national parties;—those principles which gave name or identity to the political parties, which, divided, the people of the Union were to become the shibboleths for party organization within the territory about to be erected into the future State of Oregon. The Whig party of the nation, since the death of its founder and most illustrious leader, had fallen into a state of complete "innocuous desuetude." True, opposition to the Democracy still survived. It had arrayed itself under various names in various sections of the Union. The most formidable political organizations which succeeded the national Whig party were the Republican and American parties. Those two parties chiefly absorbed the Whig hosts, who had made their last national struggle in the disastrous defeat of 1852. In 1856, the Whig party as such had become a thing of the past. Under that name, it had ceased to contend for its time-honored tenets of protection to American industry, liberal appropriations by the general government for internal improvements, a national bank and uniform currency, and the distribution among the states of the proceeds of the sale of the public lands. For the time, those issues were lost sight of and deferred. They gave place to more exciting matters of contention,—sectional issues arising out of the slavery question; slavery in the territories; the right of persons to go with their slaves, which the law had made property in the state of their domicile, into a free territory; the admission of states, with or without the institution of slavery engrafted upon their constitutions. In fact, the issue was crystallizing into "Whether slavery shall be extended beyond its present limits." "Is freedom national, and slavery sectional?" or *vice versa*. But comparatively few favored any interference with the domestic institutions of any state; but the number was rapidly increasing, especially in the free states, of those who were unalterably opposed to slavery extension,—to allowing slavery being carried into any free territory. While in the Southern states the contention was intensifying that no power existed under the Federal constitution to control or interfere with the institution,

either in the territories or states, in other words, the claim was that slaves are property, and as such their owners may go with them, and enjoy such property, into any territory of the United States.

This reference to the *status* of political parties has been rendered necessary, because Oregon is soon to become a state, her congressional representatives must affiliate with one or the other of the great political parties of the nation, and, as an applicant for admission into the family of states, the character of her institutions, to a very great extent, will be considered in her application. Besides, the representatives of the people have afforded to their constituencies the opportunity to provide for the holding of a convention to frame a constitution for the future state, preparatory to that admission; and the character of her domestic institutions, the doctrines of the fundamental law, are to constitute in great measure the *criteria* of the republican form of government necessary to be established to entitle her to admission. The day for local and personal politics has therefore passed. Purely local issues must cease to control. The people who are about to become an integral part of the nation, with the privilege and duty to join with their fellow citizens of other states in discussing and settling national affairs, must do political battle in the ranks of a national party. Oregon's representatives in Congress are about to be vested with the right to vote as well as speak. From a mendicant for his territory, the representative is hereafter to participate in and assist to regulate those momentous questions which affect the whole nation, of which his constituency is a part.

Upon the "decline and fall" of the Whig organization in Oregon Territory, contemporaneously with its subsidence in the states of the Union (and it may be remarked that, in its palmiest days, it was not a success, nor was its organization thorough), some strength accrued from the Know-Nothing movement; yet the coalition made no headway against the Democracy. In the southern counties, the movement was initiated looking to the formation of a new party on the anti-slavery idea. A meeting was held at Eden, Jackson county, in May, 1856, to nominate candidates for representatives to the legislature, and for county officers, to be supported at the June election. Although such was the single object in the call, that embryo Republican convention passed resolutions opposing the admission into the American Union of any more slave states. That meeting antedated the holding at Philadelphia, in May, 1856, of the national Republican convention, which nominated John C. Frémont for the Presidency. It was the primary Republican meeting of Oregon. None of those Eden nominees for the legislature were successful, but one Know-Nothing was elected; and an inroad was made in an hitherto impregnable stronghold of the Democracy. The subsequent fall marks the inauguration, in the counties of the Willamette valley, of the necessary steps to affect an organization of the Republican party. The first call was for a county convention at Silverton, Marion county, to "all who were opposed to slavery in free territory." At this meeting emanated a committee of correspondence with all the other counties; and there followed in quick succession county meetings in the several counties of the Willamette valley.

At the territorial Legislative Assembly (1856–57), which convened on the first Monday of December, but little important business was transacted. Colonel James K. Kelly was elected President of the Council, Lafayette Grover Speaker of the House of Representatives. Much of the time was employed in discussing political questions, on the qualifications of voters, the exclusion of free negroes, the conferring of the elective franchise upon half-breeds,—foreshadowing the proposed settlement of such questions in the state constitution. The bill passed to submit to the vote of the people a proposition



E. N. COOKE.
SALEM - OR.



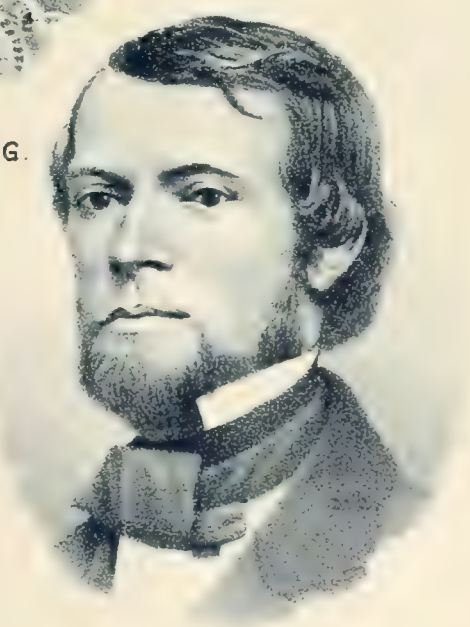
MRS. E N COOKE.
SALEM OR



MRS. SARAH A. KING.
PORTLAND OR.



HON. T. Mc F. PATTON.
SALEM OR



AMORY HOLBROOK.
PORTLAND OR

to hold a convention to frame a state constitution, and at such election to choose delegates to hold such convention, provided a majority had voted in favor of the holding of the proposed constitutional convention.

On the adjournment of the legislature, the contest commenced. Republican clubs were formed in most every county. A state convention, consisting of delegates from the several counties, was called to meet at Albany on the 11th day of February, 1857, for the purpose of completing the organization of the Republican party. That convention named themselves "the Free State Republican Party of Oregon." Their platform harmonized with the national Platform of the Philadelphia convention of 1856. It favored the perpetuity of the Union; resistance to the introduction of slavery into free territory; the prohibition of polygamy; the admission of Oregon as a free state; governmental aid to the immediate construction of a Pacific railroad; the improvement of rivers and harbors; the grant of bounty land to the volunteers of the Indian war of 1855–56; and a united effort by all citizens, irrespective of party, to secure a free state constitution for Oregon.

A free-state club had been formed by and at a meeting at Grand Prairie, January 17, 1857, which had been called for the exclusive purpose of promoting the election of delegates to the proposed constitutional convention, pledged to favor an article to exclude all negroes from the new state.

At the first session of the Thirty-fourth Congress (1855–56), Delegate Lane introduced in the House of Representatives an act to authorize the holding of a convention to frame a constitution preparatory to admission into the Union. The measure was objected to on the ground that the population of Oregon was insufficient to entitle it to a member. At the ensuing session, the bill was again introduced by Delegate Lane, when it passed the House, was sent to the Senate and amended; but the Senate refused to pass the bill.

In the spring of 1857, on the assembling of the Democratic territorial convention, General Lane was renominated for Congress by acclamation. That convention adopted a platform in which they "deny the right of any state to interfere with such domestic institutions of other states as are recognized by the Federal constitution." Regarding the selection of delegates to the proposed constitutional convention, the convention recommended that the personal views of a candidate as to phases of the slavery agitation should not subject him to opposition, for such question should be submitted separately to a direct vote of the people; hence, whatever view such candidate entertained, if the convention adopted it, would still be subject to popular approval or rejection.

In several counties only had the Republicans sufficiently completed their party organization to justify their making partisan nominations for delegates to the constitutional convention. In other counties, the opponents of the Democracy suffered the matter to go by default. Nor did the new party feel sufficiently self-reliant to call a territorial convention to nominate a candidate for delegate to Congress. George W. Lawson, a free-soil Democrat, had announced himself as an independent candidate for that office. In this condition of things, the Republicans generally supported Mr. Lawson. This policy was adopted in the hope that a number of Democrats with anti-slavery proclivities, and otherwise disaffected, would be alienated from the dominant party. The discussion during the canvass was earnest and exciting as to the candidates, and as to a probable introduction of slavery into Oregon. It was equally warm and positive as to the exclusion of free negroes. General Joseph Lane received 5,662 votes, and George W. Lawson 3,471 votes. The vote by which the people of Oregon ordered the convention to

be held to frame a state constitution was 7,209 in favor and 1,616 against. Of the delegates chosen to the constitutional convention, composed of sixty members, about one-third were Republicans and Independents, elected upon opposition tickets to regularly nominated Democratic candidates. In the next legislature, the Democrats had a majority of one in the Council and twenty in the House.

The people thus significantly having approved the holding of the convention to frame a constitution, the delegates assembled at Salem on the 17th of August, 1857. Matthew P. Deady was elected President, and Chester N. Terry, Secretary. The following named delegates composed the convention: *Benton county*, John Kelsay, Haman C. Lewis, Henry B. Nichols, William Matzger; *Clackamas county*, James K. Kelly, Asa Lawrence Lovejoy, William A. Starkweather, Hector Campbell, Nathaniel Robbins; *Clatsop county*, Cyrus Olney; *Columbia county*, John W. Watta; *Coos county*, Perry B. Marple; *Curry county*, William H. Packwood; *Douglas county*, Matthew P. Deady, Solomon Fitzhugh, Stephen F. Chadwick, Thomas Whitted; *Jackson county*, L. J. C. Duncan, John H. Reed, Daniel Newcomb, P. P. Prim; *Josephine county*, Sidney B. Hendershott, William H. Watkins; *Lane county*, Enoch Hoult, W. W. Bristow, Jesse Cox, Paul Brattain, A. J. Campbell, Isaac R. Moores; *Linn county*, Delazon Smith, Luther Elkins, Reuben S. Coyle, John T. Brooks, James Shields, J. H. Brittain; *Marion county*, George H. Williams, Lafayette Grover, John C. Peebles, Joseph Cox, Nicholas Shrum, Davis Shannon, Richard Miller; *Multnomah county*, Samuel J. McCormick, William H. Farrar, David Logan; *Multnomah and Washington*, Thomas J. Dryer; *Polk county*, Reuben P. Boise, Frederick Waymire, Benjamin F. Burch; *Polk and Tillamook*, A. D. Babcock; *Umpqua county*, Jesse Applegate, Levi Scott; *Wasco county*, C. R. Meigs; *Washington county*, E. D. Shattuck, John S. White, Levi Anderson; *Yamhill county*, W. Olds, R. V. Short, Robert C. Kinney, John R. McBride.

On the 17th day of September, 1857, the delegates had completed their labors. They had subscribed the constitution; and the convention adjourned *sine die*. Their sessions had been harmonious. The debates exhibited ability of high order, fairness and liberality of view. The meager compensation allowed the officers of the new state, and especially their judges, the extreme limitation of indebtedness or liability to be incurred by state, county and municipal corporations, although prompted in the spirit of economy, is open to criticism. Such policy may well be questioned. In the main, however, the constitution of Oregon is an admirable fundamental code. The short time in which the labor was effected was in great measure due to the express understanding reached during the earliest days of the session, that there should be no prolonged discussion on negro exclusion or slavery extension, with their kindred exciting accompaniments; but that those subjects should be embodied in fairly stated propositions to be submitted to the people with the constitution, and voted upon separately "for" or "against"; and such "propositions" as may be approved by a majority should become a part of the constitution. In consonance with this understanding, Article XVIII of the constitution having designated the 9th day of November, 1857, as the day for voting on the constitution, provided for the manner of submitting the propositions, and regulated the manner of conducting the election, its fourth section provided: "If this constitution shall be accepted by the electors, and a majority of all the votes given for and against slavery shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be part of this constitution:

"'SECTION —. Persons lawfully held as slaves in any state, territory or district of the United States, under the laws thereof, may be brought into this state; and such slaves and their descendants may be held as slaves within this state, and shall not be emancipated without the consent of their owners.'

"And if a majority of such votes be given against slavery, then the foregoing section shall not, but the following section shall, be added to the Bill of Rights, and shall be a part of this constitution:

"'SECTION —. There shall be neither slavery nor involuntary servitude in the state, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.'

"And if a majority of all the votes given for and against free negroes shall be given against free negroes, then the following section shall be added to the Bill of Rights, and shall be a part of this constitution:

"'SECTION —. No free negro or mulatto, not residing in this state at the time of the adoption of this constitution, shall come, reside, or be within this state, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the state, and for the punishment of persons who shall bring them into the state, or employ or harbor them.'"

The proposition for slavery was rejected by a vote of 7,727 for a free state; for a slave state, 2,645. This resulted in the incorporation of the anti-slavery proposition, which became Section 34 of the Bill of Rights. The proposition for exclusion of free negroes or mulattoes carried by the vote of 8,640 for, and 1,081 against. That section was incorporated into the constitution as Section 35, Article I, Bill of Rights.

"No Chinaman, not a resident of the state at the adoption of this constitution, shall ever hold any real estate or mining claim, or work any mining claim therein. The Legislative Assembly shall provide by law in the most effectual manner for carrying out the above provision." (Article XV, Section 3.)

"Nor shall any negro, Chinaman or mulatto enjoy the right of suffrage." (Article II, Section 6.)

The boundaries of the state were established as follows, to wit: "Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly at the same distance from the line of the coast lying west and opposite the state, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river, and when it is divided by islands, up the middle of the widest channel thereof, and in like manner up the middle of the main channel of Snake river to the mouth of the Owyhee river; thence due south to the parallel of latitude forty-two degrees north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia river and Snake river, concurrently with states and territories of which those rivers form a boundary in common with this state." (Article XVI, Section 1.)

Oregon had had an annoying experience in the controversy over the location of the seat of government. To repress that agitation, to quiet such disturbing element, a provision was inserted in the constitution to indicate the manner of locating the seat of government, and assuring its stability after the location had been made.

"The Legislative Assembly shall not have the power to establish a permanent seat of government for this state. But at the first regular session after the adoption of this constitution, the Legislative Assembly shall provide by law for the submission to the electors of this state, at the next general election thereafter, the manner of the selection of a place for a permanent seat of government; and no place shall ever be the seat of government under such law which shall not receive a majority of all the votes cast on the matter of such election. No tax shall be levied, or any money of the state expended, or debt contracted for the erection of a state-house, prior to the year eighteen hundred and sixty-five. The seat of government, when established as provided herein, shall not be removed for the term of twenty years from the time of such establishment, nor in any other manner than as provided in this article: *Provided*, that all the public institutions of the state, hereafter provided for by the Legislative Assembly, shall be located at the seat of government." (Article XIV.)

On the 19th of October, 1860, an act was passed by the Oregon legislature for the submission to the popular vote at the election in June, 1862, and every general election thereafter until "some one point" shall receive a majority of all the votes cast upon the question of locating the seat of government. At the election in 1862, no place received a majority of the votes. At the election in 1864, Salem received 6,108 votes, Portland 3,864, Eugene 1,588 votes, and all other places 577 votes. Salem received seventy-nine majority of the whole vote cast, and was duly declared "the permanent seat of government."

The incorporation of banks by the state was thus stringently prohibited: "The Legislative Assembly shall not have the power to establish or incorporate any bank or banking company, or moneyed institution whatever; nor shall any bank, company or institution exist in the state with the privilege of making, issuing or putting in circulation any bill, check, certificate, promissory note, or other paper, or the paper of any bank, company or person, to circulate as money." (Article XI, Section 1.) "Nor shall the state subscribe to or be interested in the stock of any company, association or corporation." (*Id.*, Section 6.) "Nor shall the Legislative Assembly loan the credit of the state, nor in any manner create any debt or liabilities, which shall, singly or in the aggregate with previous debts or liabilities, exceed the sum of fifty thousand dollars, except in case of war, or to repel invasion or suppress insurrection; and every contract of indebtedness entered into or assumed by or on behalf of the state, when all its liabilities and debts amount to said sum, shall be void and of no effect." (*Id.*, Section 7.) "Neither shall the state assume the debts of any county, town or other corporation whatever, unless such debts shall have been created to repel invasion, suppress insurrection, or defend the state in war." (*Id.*, Section 8.) "No county, town or other municipal corporation, by vote of its citizens or otherwise, shall become a stockholder in any joint-stock company, corporation or association whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association." (*Id.*, Section 9.) "Neither shall a county create any debts or liabilities which shall, singly or in the aggregate, exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion; but the debts of any county, at the time this constitution takes effect, shall be disregarded in estimating the sum to which such county is limited." (*Id.*, Section 10.)

By the following humane provision, the property rights of married women were adequately protected: "The property and pecuniary rights of every married woman at the time of marriage, or afterwards acquired by gift, devise or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property." (Article XV, Section 5.)



HON. CHARLES M. BRADSHAW,

PORT TOWNSEND, W. T.

"The governor and secretary of the state shall receive an annual salary of fifteen hundred dollars. The judges of the supreme court shall each receive an annual salary of two thousand dollars. They shall not receive any fees or perquisites whatever for the performance of any duties connected with their respective offices." (Article XIII.)

"The judicial power of the state shall be vested in a supreme court, circuit courts and county courts, which shall be courts of record, having general jurisdiction, limited and regulated by law. Justices of the peace may also be invested with limited judicial powers; and municipal courts may be created to administer the regulations of incorporated towns and cities. The supreme court shall consist of four justices, to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the state at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices and districts may be increased, but shall not exceed five, until the white population of the state shall amount to one hundred thousand, and shall never exceed seven. The supreme court shall have jurisdiction only to revise the final decisions of the circuit courts; and every cause shall be tried, and every decision shall be made, by those judges only, or a majority of them, who did not try the cause or make the decision in the circuit court. There shall be one term, at the seat of government, annually." (*Id.*, Article VII.)

An elaborate article (Article VIII) was exclusively devoted to the subjects of education and the school lands. It provided, among other things: "The proceeds of all the lands which have been, or hereafter may be, granted to this state for educational purposes (excepting the lands heretofore granted to aid in the establishment of an university); all the moneys and clear proceeds of all property which may accrue to the state by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devises and bequests made by any person to the state for common-school purposes; the proceeds of all property granted to the state when the purposes of such grant shall not be stated; all the proceeds of the five hundred thousand acres of land to which this state is entitled by the provisions of an act of Congress, entitled, 'An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights,' approved the 4th of September, 1841, and also the five per centum of the net proceeds of the sales of the public lands to which this state shall become entitled on her admission to the Union (if Congress shall consent to such appropriation of the two grants last mentioned)—shall be set apart as a separate and irreducible fund, to be called the common-school fund, the interest of which, together with all other revenues derived from the school land mentioned in this section, shall be exclusively applied to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor. The governor, secretary of state and state treasurer shall constitute a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom; and their powers and duties shall be such as may be prescribed by law: *Provided*, that no part of the university funds, or of the interest arising therefrom, shall be expended until the period of ten years from the adoption of this constitution, unless the same shall be otherwise disposed of, by the consent of Congress, for common-school purposes."

In the first section of the eighteenth article, "the second Monday in November, in the year 1857," was fixed as the day "for taking the vote of the electors of the state for the acceptance or rejection of the constitution." On the day appointed, 10,390 votes were cast, of which 7,195 were for its adoption, 3,195 against (1).

(1) See official proclamation of Governor Curry, dated December 11, 1857. Deady's General Laws of Oregon, [illegible]

The constitution having thus been ratified by the people, an election was to be held in accordance with its provisions, on the first Monday in June, 1858, for a member of the United States House of Representatives, for members of the first state legislature, and for county officers under the new state constitution. That state legislature was to assemble on the first Monday of July, 1858, to elect two United States Senators, and to enact such necessary legislation as was required to perfect the state organization.

To avoid the confusion that might result from two sets of officers, two governments, or from an *inter regnum* occasioned by an inadvertent superseding of the proper territorial officers before state officers were authorized to act, it had been fully provided and understood that, until Congress had passed the bill admitting Oregon as a state, that the territorial organization should continue in unimpaired vigor, as though no efforts had been made to change the condition of things. For which reason, at the election (1858), the usual territorial, district and county officers would also be elected.

The legislature elected in June, 1857, met December 17th, and organized by selecting Hugh D. O'Bryant as President of the Council, and Ira F. M. Butler Speaker of the House of Representatives. Governor Curry delivered a message, mainly devoted to chronicling the growth of the territory, and referring to the change which was about to take place, congratulating the Assembly upon the hopeful condition of Oregon affairs. But little legislation was done beyond electing territorial officers; and, after a short session, the last territorial Legislative Assembly adjourned on the 5th day of January, 1858.

At the election in June, 1858, three different state tickets had been nominated. The Democrats, so-called, or the Oregon Democrats, had nominated Lafayette Grover for Congress and John Whiteaker for governor; the national Democrats supported Colonel James K. Kelly for Congress and E. M. Barnum for governor; and the Republicans presented a ticket with the names of John R. McBride for Congress and John Denny for governor. Full nominations were made on all the tickets, including the offices of secretary of state, treasurer and public printer. Besides those state tickets, the people of Oregon voted for the usual territorial officials. In the election for state officers, the Republicans abandoned their ticket and supported the national Democratic candidates. Kelly received a very strong vote; but the regular Democratic ticket achieved its accustomed success. L. F. Grover received 5,859 votes, James K. Kelly 4,190 votes. On the vote for governor, Whiteaker received 5,738, Barnum 4,214. Matthew P. Deady, Riley E. Stratton, Reuben P. Boise and Aaron E. Wait were elected Justices of the Supreme Court.

As provided by the constitution, the recently elected state legislature met on the 5th of July, for the purpose of electing two United States Senators. Luther Elkins was elected President of the Senate, and William G. T'Vault Speaker of the House of Representatives. That legislature was composed of thirty-eight Democrats and eleven Republicans. Joseph Lane and Delazon Smith were elected United States Senators. On the 8th day of July, John Whiteaker was inaugurated first governor of the State of Oregon. But little legislative business was transacted. A tax law was passed providing for the levy of a two-mill tax to defray the current expenses of the state organization. Acts were also passed regulating the practice of the circuit courts, and fixing the terms. In accordance, however, with the arrangements of making all legislation under the new constitution dependent upon congressional admission of the new state, the time fixed for these laws going into effect was the date of the admission of the State of Oregon by Act of Congress.

Section 10, of Article XIV, relating to the legislative department, had provided for the first regular biennial session of the Legislative Assembly to meet on the second Monday of September, 1858. As the state had not at that date been admitted, a *quorum* failed to attend; and it immediately adjourned, without any attempt to make even a temporary organization. On the 6th of December, the territorial legislature met, electing Charles Drain President of the Council, and N. H. Gates Speaker of the House of Representatives. Governor Curry's message was a lengthy essay on the power of Congress over the territories, and upon the admission of states into the Union. The legislature confined itself to electing territorial officers, granting franchises, amending previously enacted laws, and in passing the usual stock of memorials to Congress. On the 22d day of January, 1859, the last Legislative Assembly of the territory of Oregon adjourned *sine die*.

The constitution of the future state, together with a copy of the proclamation of Governor Curry containing the official vote, approving not only the instrument itself, but also the separate propositions which had been engrafted on the constitution, as Sections 34 and 35 of the Bill of Rights, had been forwarded to Congress. The two Senators-elect (Messrs. Joseph Lane and Delazon Smith) were both in Washington City claiming seats in the United States Senate. Lafayette Grover was also there in person, urging his admission as a member of the United States House of Representatives for the State of Oregon. On the 1st day of February, 1858, the Senate referred the Oregon constitution to the Committee on Territories.

On April 5, 1858, Stephen A. Douglas, Chairman of the Committee on Territories, reported to the Senate a bill for the admission of Oregon into the Union. On the 18th of May, it passed the Senate by a vote of thirty-five to seventeen. Twelve Republicans, among whom were Nathan H. Seward, Simon Cameron, Zachariah Chandler, Jacob Collomen and James Hartan voted for the bill. Among the Republican opposition were Senators Benjamin F. Wade, William P. Fessender, John P. Hale, Hannibal Hamlin and Lyman Trumbull. John J. Crittenden, John Bell and John P. Kennedy, of the American party, voted against the bill. The then Anti-Lecompton Senators voted for the bill. A party analysis of the vote shows twelve Republicans, three Anti-Lecompton Democrats, one American and nineteen Democrats voting for the passage of the bill,—six Republicans, three Americans and eight Democrats voting against admission.

The bill was reported to the House for concurrence. The Democrats as a party were interested to secure prompt passage of the bill. A Presidential election was approaching; and at that time it seemed to be an assumed fact that three electoral votes would be given by Oregon for the Democratic nominee, and those votes might be a *desideratum*. Kansas, admitted under the free-state constitution for like political reasons, was desired by the Republicans, and correspondingly opposed by the Democrats.

In 1856, in the discussion which had followed the introduction of the first act to enable the people of Oregon to hold a convention to frame a state constitution, Delegate Lane had stated it as his belief, that Oregon could at that time poll a vote of from 15,000 to 20,000. Again, on the 1st of January, 1857, in the debate on a bill for the same object, Alexander H. Stephens of Georgia, Chairman of the Committee on Territories of the House, stated on the floor that Oregon possessed a population of 90,000. In debates on the admission of Kansas, statements as to the population had subsequently proved to have been exaggerated; and thus it was that the opponents of the admission of Oregon received these estimates of population with allowance, and even challenged them. In

1858, a census had been taken by the Oregon territorial authorities, which showed a population of 42,677 (1). While the Oregon constitution was still in the hands of the Senate Committee on Territories, Delegate Lane actively and zealously participated in the debate in the House of Representatives on the proposed admission of Kansas under the so-called pro-slavery Lecompton constitution. The feeling between the two political parties was wrought to a high pitch. Nor was that all; there was an amiable and respectable minority of the Democratic members who were styled Anti-Lecompton Democrats, who included in the Senate such leaders as Douglas and Shields of Illinois, and Stuart of Michigan. At such inopportune time, with such infelicitous surroundings, Delegate Lane, one who was privileged merely to state the needs of his people, but could not vote, an agent of a practically disfranchised constituency, his presence tolerated to ask favors, but be disarmed of the ballot:

"That weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will
As lightning does the will of God."

At such a time, when by the peculiar condition of parties and political contingencies, the attempt was being made to shut out his constituency from *real representation* in the counsels of the nation, he needlessly, not to say most unwisely, antagonized the anti-slavery element in Congress, the Republican and Anti-Lecompton Democratic vote therein, by the avowal of sentiments which it is not denied he had the fullest right to entertain; but at the critical junction, when sympathy was needed from all quarters, the policy of his then utterance of them must be gravely questioned. Oregon had the right to claim that he should be exclusively for Oregon's admission, untrammeled by the Kansas-Lecompton imbroglio, or any extraneous issue. Duty to his constituency would seem to have dictated conciliation rather than offensive partisanship with a particular party. He said:

"I repeat, sir, that that constitution is before us. The people have had a chance to vote upon the question of slavery, and nine-tenths of those who have voted have voted in favor of slavery. I have no doubt that a majority of the whole people of the territory, at the time the question was submitted, were not in favor of slavery. But their opposition to slavery did not go to the extent of recording their vote against it. What I mean to say is this, that, in ascertaining the will of the people, you are to look to the votes given for or against, not to the vote withheld, whether they be withheld on account of indifference to the result, or from factious motives. And when gentlemen say they are ready to vote for the admission of a slave state, if they are satisfied that the people of the state are in favor of slavery, and yet propose to vote against this constitution, I say, that, with the constitution before us recognizing slavery, they are estopped in that argument. They cannot go behind that constitution. It is here legally; it is here legitimately; it is here properly. If there have been irregularities, bloodshed and disorder in the territory, you know how it has been caused. You know it has been caused by the instrumentality of men armed with Sharpe's rifles sent out by the emigrant aid societies for the purpose of defeating the ends of justice, and thwarting the will of the people. The fault rests with them; and let the consequence rest upon the guilty. Do not permit the territory and the country to suffer. It is in behalf of the country that I speak. I appeal to this House to

(1) By the United States census of 1860 the population of Oregon was returned at 52,410



A. P. WOODWARD,
UMATILLA INDIAN RESERVE.

stand by the constitution, and to allow the majority of the people to regulate their own institutions. Bring Kansas into the Union. Raise her to the dignity of a state. Place the sovereignty in the hands of her people; and they will regulate their own affairs as they please, and peace will be restored to the country. Let us not do injustice to our friends of the South, now and for all time. I am sure my friend from Iowa (Mr. Curtis) would not desire to do injustice. I have a very high personal regard for the gentleman. I know him to be a man of good heart, and strong mind, although he is wrong in politics. He has only to take one step further, and come over to the Democratic party. I say to that gentleman, that the decision of the Supreme Court of the United States upon this question of slavery commends itself to my judgment; that slavery nominally exists in the territories subject to the control of the people when they come to form a state government; that Congress has no power over the subject. It is not in the book. No such powers were conferred upon Congress by the constitution. Our forefathers had the good sense to confer, in plain and unmistakable terms, all powers necessary for the good of the whole country; and they took care to provide that the powers not conferred upon Congress should be reserved to the states respectively, or to the people."

Ostensibly, those who made opposition to the admission of Oregon urged the fact that her population was insufficient to entitle her to a representative in Congress, at that date as fixed by the apportionment (93,000). While it is true that such objection should be dismissed as frivolous, there being nothing whatever in the constitution of the United States prescribing any number of population necessary as a condition precedent to admission, the only requirement being that the applying state should have a republican form of government, it being the imposed duty upon Congress to guarantee to each state a republican form of government. (Article IV, Sections three and four, United States constitution.) It being a question addressing itself to the sound discretion of Congress, perhaps that body would be justified in insisting upon the guarantee, on the part of the territory applying, of ability to maintain a state organization. In this case, that was amply conceded. As there was no legitimate constitutional inhibition, there was no justification for denying to Oregon so long a representation in Congress,—no warrant for the enslavement of a territory, nor the disfranchisement of its citizens.

Another reason for opposition to Oregon's admission had for its origin a deep-seated feeling of prejudice against the territory, a condemnation of the territorial authorities of Oregon and Washington, and their volunteers in the Indian war of 1855–56, when, ignored and neglected by the general government, in their own defense they justly and necessarily chastised the perfidious murderers of our race, and the nations and tribes that abetted them and joined in a war of extermination of the settlements. That war had resulted in a large debt, which the people of Oregon believed should be assumed and paid by the general government. The probability of such debt being successfully urged would be enhanced by conferring upon Oregon congressional representation, with the influence contingent thereupon. The Oregon people and authorities stood charged before the nation as conspirators to rob the national treasury by inciting an Indian war, and conducting raids against Indians in the Indian country. That war was foully and falsely charged to have been instigated and waged for rapine and plunder. That population deficit, that cruel suspicion that our people were barbarians and but semi-civilized, were alleged as excuses by many for delaying the recognition of Oregon's just demand. Again, there were conscientious Republicans who could not approve those prohibiting provisions excluding, merely on account of race, free negroes from the state. To them it

seemed that sanctioning the admission of a state, with such provisions in its fundamental code, was establishing a government anti-republican in form, and in defiance of the duty imposed upon Congress by Section four of Article IV of the Federal constitution. All these circumstances contributed to cause the delay in the admission of the state. But Schuyler Colfax explains the true *animus* of the larger portion of those who were arrayed in opposition to Oregon's admission: "The President in his message demanded that the offensive restriction against Kansas should be maintained, prohibiting her admission till she had 93,000 inhabitants, because she rejected a slave constitution, while Oregon, with her Lecompton delegation, should be admitted forthwith. And the chief of your delegation, General Lane, was one of the men who had used all his personal influence in favor of that political iniquity, the Lecompton constitution, and its equally worthy successor, the English bill. He, of course, refused now to say whether he would vote in the United States Senate, if admitted there, to repeal the English prohibition which he had so earnestly labored to impose on Kansas; and its political friends in the house refused also to assent to its repeal in any manner or form whatever. This, of course, impelled many Republicans to insist that Oregon, with her Lecompton delegation, should wait for admission till Kansas, with her Republican delegation, was ready to come in with her. With a less obnoxious delegation from Oregon, the votes of many Republicans would have been different. As it turned out, however, the very men for whose interests General Lane had labored so earnestly—I mean the ultra-Southern leaders—refused to vote for the Admission Bill, although they had the whole delegation-elect of their own kidney. And it would have been defeated but for the votes of fifteen of us Republicans who thought it better to disenthrall Oregon from presidential sovereignty, and from the sphere of Dred Scott decisions; and even in spite of your obnoxious delegation, to admit the new state into the Union, rather than remand it to the condition of a slave-holding territory, as our Supreme Court declares all our territories to be. Hence, if there is any question raised about which party admitted Oregon, you can truthfully say that she would not have been admitted but for Republican aid and support,—Republicans, too, who voted for it, not through the influence of General Lane & Co., but in spite of the disfavor with which they regarded them."

And such was the condition when the bill was taken up in the House. The Republicans and Anti-Lecompton Democrats in Committee of the Whole attached numerous amendments to the Senate Bill; but, when the bill came to the House, it was stripped of those amendments, put upon its passage, and there were enough Republicans who were unwilling to punish the people of Oregon for acts of omission or commission by the Democratic party to pass the bill as it came from the Senate. The first vote was taken February 12, 1859. On the 14th the President approved the bill; and upon the same day Joseph Lane and Delazon Smith presented their credentials and were sworn in as Senators in Congress from the State of Oregon. On drawing lots for the respective terms, Mr. Smith drew for the term which expired March 3, 1859; and General Lane drew the term which expired March 3, 1861. Lafayette Grover on the next day appeared in the United States House of Representatives, and took the oath of office as a member thereof, from the State of Oregon.

The Admission Bill, however, imposed upon the people of Oregon the necessity of formally accepting certain propositions, preliminary to the final and complete admission into the Union: "1. Sections sixteen and thirty-six of the public lands in every township shall be granted to said state for use of schools; 2. Seventy-two sections shall be set apart

and reserved for use and support of a state university, to be applied in such manner as the legislature shall prescribe for that purpose, but for no other purpose; 3. Ten sections of land shall be granted, in legal subdivisions, for the purpose of completing the public buildings; 4. Salt springs, not to exceed twelve in number, with six sections of land adjoining, to be disposed of as legislature shall direct; 5. Five per centum of the net proceeds of the sales of the public lands within the state, for the purpose of making roads and internal improvements, under direction of the legislature. The above propositions are conditioned upon the people of the State of Oregon providing, by irrevocable ordinance, that the state shall never interfere with primary disposal of the soil, nor with any regulations that Congress may deem necessary to secure *bona-fide* purchasers thereof; and in no case shall non-resident proprietors be taxed higher than residents; 6. And that the State of Oregon shall never tax the lands nor property of the United States within the state."

By a formal provision (section five) of the bill admitting Oregon as a state, the residue of Oregon territory was incorporated into and made a part of the territory of Washington.

On the 3d day of June, 1859, the legislature of the State of Oregon passed an act entitled, "An act relative to certain propositions made by Congress of the United States to the people of the State of Oregon," which formally accepted all the propositions of the said Admission Bill; and then Oregon became incorporated into the American Union as one of the states thereof, "on an equal footing with the other states."

Chapter XL.

(1827–1847.)

Southern Oregon—Natural Divisions—Topographical Features—Early Immigration—First Settlement—Introduction of Cattle—Emigrant Wagon Road—Heroic Corporation—Pioneer Road Builders—Frémont's Old Camp—Exploring Southeastern Oregon—First Immigrant Train Through Southern Oregon.

THE history of the settlement and growth of Southern Oregon is full of varied and striking incidents in the life of its pioneers, very different from those experienced by the settlers in the northern part of the state. The first immigrants to Oregon were attracted to the Columbia river, in the expectation of finding that great watercourse another Mississippi, down which their crops could easily be transported to the Pacific and the markets of the East. While there was some disappointment in regard to the facilities afforded by the upper Columbia, the settlers were fully compensated by finding all the desired advantages in the Willamette valley, the great plains north of the Columbia, and the land-locked harbor of Puget Sound.

The subsequent immigration was chiefly induced by those advantages. The principal idea seemed to be the ability to secure a market for the products of their industry. The southern portion of the country was almost entirely unknown at that time. Its remoteness from a market, and the hostile character of the Indians occupying the country, rendered it a very undesirable region into which the settler should remove his family; while the ruggedness of the country rendered it a very difficult region to explore under any circumstances. The northern boundary of what is known as Southern Oregon is the Calapooia Range of mountains, which divides the waters of the Willamette on the north from the waters of the Umpqua river on the south. This range meets the Coast Range of mountains near the forty-fourth parallel of north latitude, and extends in the general direction of south-by-east until it meets the Cascade Range at a point about fifteen miles south of Diamond Peak. From this point, the boundary is an imaginary line running due east to the line of the territory of Idaho. The southern boundary is the forty-second parallel, which is also the northern boundary of the states of California and Nevada. The eastern, which is also the western boundary of Idaho, is within a very short distance from the one hundred and seventeenth degree of longitude west from Greenwich. The western is the Pacific Ocean. Its area is not quite two degrees of latitude, and a little more than seven of longitude.

This area is intersected by a network of hills and mountains, two ranges running north and south throughout its whole extent, the Coast and the Cascade, while others without any law or order intersect it from east to west. The Coast Range is from fifteen to thirty miles from the coast, while the Cascades are from seventy-five to one hundred miles. The most striking difference in the topography between the northern and southern portions of the state arises from the change in the direction of the



HON. W. W. THAYER,
CHIEF JUSTICE.



HON. R. S. STRAHAN,
ASSOCIATE JUSTICE.



HON. W. P. LORD,
ASSOCIATE JUSTICE.



W. H. HOLMES,
CLERK.

OREGON SUPREME COURT.

watercourses. North of the Calapooia Mountains, the main Willamette runs nearly due north to the Columbia, with a broad and fertile valley on either side; and on the eastern side of the Cascades the Des Chutes runs an almost parallel course until it joins the Columbia above the Dalles; while, south of the dividing line, all the great rivers have their rise in the Cascades, and, running westerly, break through the Coast Range, and reach the Pacific. The first principal river south of the Calapooia is the Umpqua, and the next is the Rogue, while there are other lesser streams which rise in the Coast Range, and run west to the ocean, as Siuslaw, Coos river, Coquille and Chetco. The Cascade Range from the point where the Calapooia meets it, near Mt. Thielson, to the Siskiyou Mountains, at which it ends, presents some of the most striking mountain scenery on the coast. Mt. Thielson is a snow-peak, and is said to have an altitude of 9,250 feet above the sea. Further south are a cluster of snow-peaks, among which is situated the now famous Crater Lake; and overlooking the Rogue river valley is Mt. Pitt, also a very striking landmark. From the northwest base of Mt. Thielson, the north fork of the Umpqua takes its rise, and from the southwest base the south branch. After devious courses, they unite a few miles east of the Coast Range. The spurs of Mt. Thielson to the west and southwest, between the two branches of the Umpqua, sink down until they are lost in the hills of the Umpqua valley; while between the Umpqua river and the Rogue river, which has its origin near the source of South Umpqua river, the spurs of the Cascades extend in a rough range of mountains nearly to the coast. The Siskiyou, which is the dividing range between Oregon and California, runs westerly to the ocean, and, after passing Rogue river valley and the headwaters of the Illinois river, spreads out so as to cover all the country south of the Rogue river to the California line, making a section that is almost inaccessible, and has never been thoroughly explored to this day. The Coast Range is only about one-third the height of the Cascades, nor has it so large a base; but even this range is impassable except at certain passes. The valleys of the Umpqua and Rogue rivers are not what the name generally implies. These rivers have no broad level land along their borders; but there is a succession of small valleys divided by hills, the largest of which is the Rogue river valley, the first on the north side of the Siskiyou Mountains.

Such a country, it will be readily perceived, presented great difficulties to the explorer, since he could not follow the course of the streams, but had to spend weeks threading the intricacies of the hills and mountains, the most of which were covered with a dense growth of timber; and we can scarcely give too much credit to those who first penetrated this wilderness, and opened it to civilization. There is strong proof that the Catholic priests from the Spanish missions in California visited the valley of Southern Oregon long before Lewis and Clark saw the Columbia river; and many years before the first Americans made the trip, the trappers of the Hudson's Bay Company had made their annual journey from the Sacramento to the Columbia with their furs. The first Americans of whom we have any authentic account, who penetrated the country, were a party of trappers, under the command of Captain Jedediah S. Smith, of the Rocky Mountain Fur Company, of St. Louis. In the spring of 1827, this party left the head of the Sacramento, with a large lot of valuable furs, with the intention of proceeding north to the Columbia river; from which point they could return east to their rendezvous, on Green river, east of the Rocky Mountains. Upon reaching the headwaters of Rogue river, thinking they had reached a stream which ran into the Columbia, they followed it to the ocean. From this point, they followed the coast to the mouth of the Umpqua, where they were attacked by the Indians

while crossing the stream; and all of the party, except Smith, Prior and Laughlin, were killed. These three managed to reach Fort Vancouver, with the loss of their animals and furs. Smith reached Vancouver in August, 1828. The Hudson's Bay Company, being very desirous of recovering this valuable property, sent one of their traders, John Garnier, for this purpose, who erected a stockade, called Fort Umpqua, at the junction of Elk creek and the Umpqua river. This was the first settlement of any kind south of the Calapooia Mountains.

The next party to undertake the trip from the Sacramento to the Columbia was a party of sixteen men, headed by Hall J. Kelley and Ewing Young. They had with them about one hundred head of horses and mules, and left the mission of San José for the north in the summer of 1834, their destination being the settlements on the Columbia. They reached Rogue river valley with much difficulty, and had a fight with the Indians on Rogue river. Kelley was taken sick in the mountains of Southern Oregon; and it is probable that the whole party would have been destroyed had they not been overtaken by a party of trappers, under the lead of La Framboise, returning to Vancouver after their season's hunt. This party kindly relieved their necessities, and brought them safely, by the Hudson's Bay Company's trail, to the Willamette valley.

In 1835, a party of eight trappers left the Sacramento valley for the Columbia. They made the trip in safety until they arrived on Rogue river, and made their camp near the mouth of Foot's creek, below Rock Point. Here several hundred Indians came into camp with professions of friendship, and suddenly attacked the party with clubs, bows and knives. The Whites fought with great desperation, and succeeded in repelling the attack, with the loss of two men killed, the rest more or less wounded, and all but two of their guns. The survivors proceeded northward, fighting the Indians by day and traveling by night. But four of the party lived to reach the settlements on the Willamette. Their names were J. Turner, George Gay, Dr. Bailey and Woodworth.

The want of neat cattle being severely felt by the settlers in the Willamette valley, it was decided to make an attempt to procure the same from California. For this purpose the Willamette Cattle Company was organized at Champoeg, in 1836, with Ewing Young as leader, and P. L. Edwards treasurer. The company selected for the work numbered eleven men, all mountaineers, many of whom had passed over the trail in 1834 and 1835. They left the mouth of the Columbia in a vessel named the *Lariet*, on the 10th of February, 1837, and arrived at San Francisco on the 1st of March. After much difficulty in procuring the cattle, and a still greater difficulty in driving them, the party arrived at the head of the Sacramento valley on the 20th of August, with 729 head. The difficulty of driving these cattle, the most of which were wild, over a narrow, brushy trail and steep mountains, was great; but in addition to this they were attacked in the Shasta valley, just south of the Siskiyou Mountains, by Indians. This necessitated not only a close watch over the cattle, but the utmost care to prevent a surprise by the savages. They reached Rogue river on the 17th of September, having had several of the cattle wounded by arrows, but only one killed. On that night, the party camped at Foot's creek, near where Turner's party was attacked two years before. On the morning of the 18th, they moved about sunrise; and about noon, in a rocky and bushy pass, they were attacked from each side of the road. Young halted the cattle, and leaving them in charge of the herders, proceeded, with four men, to rout the Indians. This he affected, but his horse was shot with two arrows, and Gay was wounded in the back by another. From this point, until

they reached the Umpqua, they were continually harassed, but finally succeeded in reaching the settlements on the Willamette about the middle of October, with 630 head of cattle, with a loss of three men killed by the Indians.

The next attempt to pass through Southern Oregon was made in 1841, when a detachment of Commodore Charles Wilkes' exploring expedition, commanded by George F. Emmons, then a lieutenant, consisting of four commissioned officers and thirty-four men, left Vancouver for Yerba Buena (now San Francisco). Taking advantage of this escort, J. D. Dana, the geologist, and several emigrants, with their families, undertook to make the trip. They took the old Hudson's Bay Company trail and left Fort Umpqua, at Elkton, on the 18th of September. They had been warned before they left, by Mr. Garnier, the agent in charge of Fort Umpqua, of the character of the Indian tribes through which they would pass, and the dangers they were liable to encounter. By using strict military discipline, and allowing no Indians in his camp, the lieutenant succeeded in making the trip without loss, although the Indians threatened an attack at several points.

In 1842 and 1843 there were cattle driven from California, and parties of emigrants going and returning; but, as they have no reference to the settlement of Southern Oregon, and their experience was the same as already narrated, it is not deemed necessary to record them.

The first and most effective method to secure the settlement of Southern Oregon, although it was not so intended at the time, was the opening of a wagon road from the Willamette to the confines of Southern Oregon, and, in view of its results, is entitled to an extended notice. The immigration to Oregon by the way of the Columbia river route had suffered severe hardships in the years of 1843, 1844 and 1845; and many attempts had been made to find a more accessible route over the Cascades further south, without success,—justifiable search; for such a pass has been since discovered. The immigration of 1846 was expected to be unusually large; and while it was important that they should be afforded better facilities for reaching the Willamette valley, it was also necessary to provide against any interference by the British authorities, who at that time had laid claim to a large portion of the Columbia river route.

This matter was the subject of much discussion among the settlers; and it was finally concluded that the most feasible plan was to cut a wagon road from the Willamette through the Umpqua and Rogue river valleys, thence east over the lowest portion of the Cascade Range and through a country then unexplored, to Fort Hall, on the headwaters of Snake river. To accomplish this object, a company was formed in Polk county in May, 1846, to undertake this enterprise, but, being insufficient in numbers, returned without accomplishing anything. Upon the return of what might be designated as the prospecting party, a company was formed to execute the project. The company was organized by the action of no legislative body, nor even by an instrument of writing, but by what was more binding than either,—an agreement, between the men composing it, who had faced danger in almost every form, that they would accomplish the object they had undertaken or lose their lives in the attempt. History presents but few instances of self-sacrifice greater than this; and, it must be said in addition, that not a single one of the company failed to perform the agreement he had undertaken. Their names are as follows: Jesse Applegate, Lindsay Applegate, Levi Scott, John Scott, Henry Bogus, Ben Burch, John Owens, John Jones, Robert Smith, Samuel Goodhue, Moses Harris, David Goff, Bennett Osborne, William Sportsman and William Parker.

The expenses of the expedition were supplied by those of the party who were able to do so; and as the Applegates were the richest in cattle, then the only money in the country, the burden fell principally upon them. It must be remembered that this expedition was undertaken with no hope of reward, except of increasing the population of their beloved Oregon, and securing the title to the United States. The members of this company were all mountaineers, and were fully aware of the dangers they had to encounter. Mr. Ogden, of the Hudson's Bay Company, gave them all the information he possessed in regard to the trails and the character of the route to be passed over, which he had derived from the employés of the company and his own experience. He ridiculed the idea of building a wagon road through that country, stating that it was an impossibility, and took especial pains to warn them of the hostile disposition of the Indian tribes through whose country they would be compelled to pass, the worst of which, according to his statement, were the Rogue river Indians, who had acquired the name by their conduct toward the hunters and trappers of the company.

This company of road builders was not composed of the material to be frightened at such a prospect; but, having provided for their families during their absence, each with saddle and pack horses left Polk county on June 20, 1846. The point of departure was on the La Creole river, commonly called the Rickreal, about where the town of Dallas now stands; the course was up the west side of the Willamette to the crossing of Mary's river, the site of the present city of Corvallis, thence up the same river by the way of Spencer's Butte until they arrived at the base of the Calapooia Mountains. Up to this point they had experienced no difficulties, with the exception of building a few bridges. From this point a thorough reconnoisance was made; and the Pass creek route, which afterwards became the roadway, was not adopted on account of the heavy timber. They chose a mountain ridge a few miles east, where, although the hills were higher, the expense of a wagon road was less, owing to the timber being more sparse. They came out on the southern side of the mountains into a beautiful little valley, now known as Scott's valley, where some of the party subsequently settled. From this point the party moved on through, as one of the party described the route, "the grassy, oak hills and narrow valleys of the Umpqua country." They had some difficulty in crossing the North Umpqua river, but met no serious obstacles to a wagon road until they arrived at a point on the South Umpqua, near where the old Hudsons Bay trail crossed the Umpqua Mountains. A thorough examination of this route proved it to be impracticable for wagons; but, by following up a stream opposite where they were camped, they discovered an available pass through the present Umpqua cañon. On this stream they struck the trail of a large body of Indians who had preceded them a few days, and who endeavored to stampede their horses while camped in the little valley at the southern end of the cañon. Traveling through a very broken country, the sharp hill separated by small streams, upon which were little openings, they arrived about noon at a branch of Rogue river afterwards named Grave creek. After resting here two hours, their course was through a more open country, with scattering pine and oak timber, until they reached a prairie on the banks of Rogue river, about sundown.

The Indians had followed them from the cañon; and, when they approached Rogue river, a large number of the savages occupied the bank of the river where the trail crossed. The party therefore decided to remain in the open prairie, and prepared for a night attack. Owing to precautions taken, no attack was made; but at daylight the Indians were found occupying the position of the night before. On nearing the crossing, the



W. F. HOOKER,

CHENEY, W. T.

company was divided into two divisions, one driving the pack horses across the stream protected by the rifles of the second, when the latter crossed protected by the guns of the first. From this point they passed up the south bank of Rogue river and through the Rogue river valley, which is described as one great meadow interspersed with groves of oak which appeared like vast orchards, until they reached a stream now called Emigrant creek. Here the old trail led south across the Siskiyou Mountains; but the course of the road builders was east over an unexplored country several hundred miles in extent.

On the morning of the 30th of June, they moved along the north bank of the creek and soon began the ascent of the mountains to the eastward, the slopes of which they found to be gradual, where wagons could pass without difficulty, although these mountain sides were covered by a heavy forest of pine, fir and cedar. On the 4th of July, they reached the summit of the Cascade Mountains, and after descending the steep slopes on the eastern side, at noon reached a small glade, from which they could see the Klamath river. After reaching the river, they followed up the north bank about six miles, when, emerging from the forest, they obtained a full view of the Klamath country, extending eastward as far as the eye could reach.

Following the river up to near where it leaves Lower Klamath Lake, they crossed the stream, and, proceeding down the river and along the lake shore a few miles, came into the main valley of the Lower Klamath lakes. At this time, columns of smoke were seen rising in every direction, which proved to the party that their presence was known to the Modoc Indians, who were thus telegraphing the fact to the different bands of the tribe. Keeping along the shore of the lake, they came to a stream called Hot creek, where they found pieces of newspapers and other evidence that civilized people had camped there a short time before. They also found signs which some of the party believed indicated that persons had been buried there, which opinion was strengthened by the great excitement among the Indians upon their arrival. It was afterwards learned that this was the spot at which the Modocs had surprised the camp of Colonel Frémont, killed three of his Delaware Indians, and would probably have destroyed the whole camp but for the vigilance and presence of mind of Kit Carson. The Indians doubtless supposed this party had come to avenge the murder. Taking every precaution against an attack, they pursued their way around the southern end of Lower Klamath Lake, and camped with the lake on the west and a high, rocky ridge on the east of them. In the morning, they ascended the ridge, and discovered at its eastern base Tule or Modoc Lake. Farther to the east, at a distance estimated at thirty miles, they saw a timbered butte, and what appeared to be a pass through the range which surrounded the lakes. In descending the ridge, they became entangled among the crevices and caves of the lava beds, and were compelled to return to smoother ground. Thence a northern course was taken around Modoc Lake; and after crossing Lost river near the lake, they passed eastward over the rocky ridge between Langell valley and Clear Lake; thence around the southern end of Goose Lake; and on the 8th they encamped at the mouth of a stream coming in from the southwest. From this point a pass was found into Surprise valley, with grass and water plenty; but beyond the prospect was exceedingly gloomy. Between them and the Humboldt river, their objective point, a sandy desert, broken only by rocky ridges, stretched interminably without a sign of water or grass. Nothing daunted, they left camp on the 9th; and, after enduring severe hardships of hunger and thirst on this alkaline desert under a July sun, on the 18th, at noon, they reached the Humboldt river. Being too far south, they proceeded up the valley for three days, when they arrived at the Meadows, where they

found plenty of grass and water; and, after remaining a few days to recruit their horses, they resumed their march. The majority of the company proceeded to locate the road to Bear river, south of Fort Hall, as originally intended, while Jesse Applegate, Harris Goff, Owens and Bogus turned off from Thousand Springs valley to Fort Hall for supplies.

While at Fort Hall, Jesse Applegate represented the advantages of the route just explored; and a caravan of ninety or one hundred wagons met, on August 12th, at the Thousand Springs, to follow the new road. Leaving David Goff and Levi Scott to guide them to the Willamette, the Applegate party, accompanied by a party of young men of the immigration, pushed forward to mark or cut out the road, as the exigency required. The real labor of road-making was over the Cascade Mountains, through the Grave creek hills and the Umpqua cañon. After arriving in the Umpqua valley, their provisions being exhausted, they left the work of clearing the road over the Calapooia Mountains, which was light, to the immigrants themselves, and returned to their homes, in the Willamette, on the 3d day of October, 1846.

In May, 1847, Levi Scott led a company of twenty men, destined for the states, over the Applegate route, and guided a portion of the immigrants of the following autumn into the Willamette valley in good season and in good condition, while the main immigration, by the Snake river route, suffered severely. Among the immigrants of this year (1847) was Colonel W. W. Chapman, who has since made a brilliant record, both in the territory and the state. This expedition established the reputation of the southern route; and the legislature of that year passed an act for its improvement, making Levi Scott commissioner, and allowing him to collect a small toll as compensation for his services.

In June, 1847, Cornelius Gilliam set out, with a company, to explore the Rogue river and Klamath valleys, and on his return made favorable mention of the climate and soil of that locality. Nevertheless, on account of the hostile savages, Southern Oregon remained still unsettled. The discovery of gold in California opened a new era in the history of that section, which will be developed hereafter.

Chapter XLI.

(1848–1850.)

Early Argonauts — First American Settlements South of the Calapooias — A Friend of the Whites — United States Regulars in Southern Oregon — Half a Regiment Deserts — Fighting Their Way to the Gold Fields — Relief for the Deserters — A Soldier for Dinner — Dogs for Supper — First Cattle in Oregon — Forcing a Treaty of Peace — First Civilized Vessel to Enter the Umpqua River — Trying to Boom the Country — Founding of Umpqua City, Gardiner, Scottsburg and Winchester — Organization of Umpqua County.

THE discovery of gold in California, in the year 1848, greatly hastened the settlement of Southern Oregon. At the time of the reception of the news in the Willamette valley, the settlers were engaged in the war with the Cayuse and other tribes of Indians, in the northern part of the territory; but peace having been secured, and the harvests of that year gathered, many of the Oregonians went to the new El Dorado to make their fortunes. These adventurers packed the supplies for their long and difficult journey on horses or mules, and, on account of the hostile character of the Indians on the route, were compelled to travel in well-armed companies of considerable numbers, and to exercise the utmost caution to prevent a surprise. Colonel J. W. Nesmith, who made the trip in the fall of the year, says: "From the time we left the Umpqua valley, our party was continually harassed by Indians; but, by keeping strict guard, and allowing none of them to enter our camp, we made the journey without any serious casualties." Colonel John E. Ross also led a company over the route, with a like experience; but there were several parties who left the Willamette valley, or were returning to it, during this year and the next, who were never afterwards heard from. On account of lack of numbers, or want of experience and caution, they were doubtless robbed and murdered by the savages.

In the summer of 1848, Captain Levi Scott, the old scout, with his two sons, William and John, ventured to take land claims, under the act of the Provisional government, on the south side and near the base of the Calapooia Mountains, which they named Scott valley. They were followed, in the fall of that year, by Robert Cowan. In the summer of 1849, Jesse Applegate located his claim at Yoncalla, in the same neighborhood. These were the first American settlers in Southern Oregon. Although they settled upon the extreme northern portion of the dangerous territory, the safety of their flocks and herds was largely owing to the annual presence of a band of Klikitat Indians, who, headed by their war chief, made regular raids upon the southern Indians, often as far as Rogue river. The professed object of these trips was hunting; but, in addition to gathering furs and skins, they amused themselves by fighting the local tribes, stealing their women and anything else they deemed valuable. The Klikitats originally belonged north of the

Columbia river, but had been driven from their original location by some stronger tribes. They had acquired some civilization from the Hudson's Bay Company, were well armed with guns, and were good warriors. Their chief was a man of imposing presence, and was known as the Socklate Tyee, or Great Chief; but his real name is found in none of the records. He was a sincere friend of the new settlers, and especially to Jesse Applegate, whom he always regarded as a great chief.

In the spring of 1849, the United States government ordered the Mounted Rifle regiment to Oregon, for which service it was originally intended. Captain Hawkins, of this regiment, who was in command of the escort of General Joseph Lane in 1848, over the old Santa Fé trail, as the southern route across the plains was then called, was ordered, with a detachment, to meet the regiment at Fort Hall, and guide them to Fort Vancouver. Colonel William J. Martin and Captain Levi Scott were employed as guides. The detachment followed the Applegate trail, as it was more practicable at that season of the year, and reached Fort Hall without loss of any of the men, owing to the experience of the guides, both of whom were old mountaineers, and familiar with all forms of Indian treachery; but Colonel Martin admits that Captain Scott had five arrows in his body when they reached their destination.

At Fort Hall the detachment met the Rifle regiment, and conducted it by the Snake river route to Fort Vancouver without serious loss. Among the noted immigrants of that year was Matthew P. Deady, then a young man, now United States District Judge, whose services as a jurist during the life of the territory, and, since that time, for the state, are too well known to need any eulogy.

Shortly after the arrival of the regiment at Vancouver, a detachment of about four hundred of them were stationed at Oregon City. During the winter the soldiers became very much excited by the stories of the returned gold hunters from California; and in the month of January about three hundred of them deserted in a body and started for the gold fields. They were entirely unacquainted with the country over which they were to travel, and, of course, had a scanty supply of provisions. They made their way up the Willamette river and over the Applegate road through the Umpqua valley safely. From the Cow Creek Mountains to Rogue river, they were continually harassed by Indians. At the crossing of Rogue river, they were met by the Indians in full force, and a desperate fight ensued. About eighty of the men fought their way across the river, and after untold suffering succeeded in reaching the Sacramento valley with the loss of many of their number. Those who failed to cross the Rogue river were overtaken by the most severe snowstorm ever recorded in that section of the country. Their ammunition being almost exhausted, and their provisions entirely so, the men divided into small companies and scattered over the country, in the hope of obtaining sustenance until the storm was over.

The troops remaining faithful at Oregon City were not sufficient in numbers to arrest the deserters; and Colonel Loring, in command of the regiment at Vancouver, not willing to try the fidelity of the men under his immediate command, made a request for volunteers. Governor Lane promptly responded to the call, and with a party of citizens, all of whom were mountaineers of tried courage, proceeded with a detachment of the Rifles to capture their erring brothers. Upon reaching the Cow Creek Mountains, Governor Lane and his party went in advance, the regulars following with a pack-train of provisions. When nearing the Umpqua cañon, learning that the deserters were in a starving condition, the commanding officer of the detachment called for volunteers to



HON. E. D. SMITH,
LOWELL, W. T

carry rations to the sufferers in advance of the pack train, which was compelled to travel slowly on account of the snow. The leader of these volunteers was Captain J. D. Biles, a gentleman well known in Northern Oregon, who has the honor of being the first judicial officer under the United States government north of the Columbia river, having been appointed a justice of the peace at Vancouver by Governor Lane in 1849. This relief party, with packs on their backs, traveled on foot through the snow, in many places four feet in depth. Although nearly starving themselves, they were the first to discover a company of the deserters who had just drawn lots as to which of them should be killed as food for the remainder. The man who had drawn the fatal long straw was being led to the place of execution when the relief party came in sight. Captain Biles says that it would be difficult to tell which felt most relieved by their appearance, the man who was to be sacrificed or his comrades. The commanding officer of the detachment finding that the rations he brought would be inadequate for the purpose, purchased a number of beef cattle of Jesse Applegate, which were driven by him and his men with the pack train. This party discovered one company of the deserters, who, having met a band of Indians nearly as starved as they were themselves, but, being tempted by the offer of guns and ammunition, sold the soldiers all the dogs they had in camp. These furnished the provisions of the company until they were relieved. The surgeon of the relieving party prescribed a light diet of soup, which the starving men deemed insufficient. Mr. Applegate, while on an inspection of the camp at a late hour of the night, discovered a party cooking something in a camp-kettle over a small fire, and being fearful that the orders of the surgeon were being violated, made an investigation of its contents. Upon removing the lid, he was much surprised at the appearance of a dog's nose, this being the last remnant of the dogs purchased of the Indians. After this terrible experience, the soldiers readily returned to their duty and remained faithful during the term of their enlistment.

In the year 1837, the first cattle were brought to the Willamette valley by Ewing Young and company, which by reason of the nutritious grasses and equable climate increased rapidly, and in a few years produced a surplus. When the mining immigration had reached the upper Sacramento valley, we find the Oregonians driving cattle to the mines to supply the newcomers with beef. In the year 1850, several bands were driven. On June 1, 1850, Governor Lane, Thomas Brown, still a resident of Douglas county, Captain Thompson, an old mountaineer, and Martin Angell, killed by the Indians in 1855, left Yamhill with three hundred head. Upon reaching Rogue river, near Gold Hill, the governor sent for the head chiefs of the Indians, Joe and Sam, with whom he negotiated a treaty of peace. While the "peace talk" was being carried on, Sam Mulkey, who with a party of miners was accompanying the governor, discovered, among the Indians on the opposite side of the river, two horses which had been stolen from him while returning from California in the spring of 1849. These the chiefs were required to return to the owner. Upon the return of the horses, it was found that a negro servant belonging to the cattle party had been captured by the Indians; and the chiefs were held as hostages until he was safely delivered in camp. This was done about dark. The negro had gone in the morning prospecting for gold, taking a pistol with him, but unconscious of danger. About noon the Indians pounced down upon him and took him prisoner. They not only took his pistol, but stripped him of his clothing. Being a curiosity to them, they concluded to make him a slave. The poor negro was extremely happy in being returned, and never after left the protection of the camp.

At this point, John Kelly, who was register of the land-office of Southern Oregon in 1861, and afterwards collector of customs at Portland, purchased the interest of Captain Thompson in the band of cattle, and went with the party to the Sacramento valley, which they reached without difficulty. Upon their arrival, the cattle were sold; and most of the members engaged in mining during the winter. In the spring, General Lane, Brown, Kelly and Angell came north to the newly discovered mines on Scott river, a branch of the Klamath.

The wave of gold-seekers, attracted by the first discovery in 1848, swept northward up the Sacramento river, over almost inaccessible mountains and more dangerous cañons, through a country that had never been explored, to the Trinity and Klamath rivers, and in the year 1850 had almost reached the Siskiyou Mountains. The difficulty of getting supplies to the miners over the rough mountain trails they had followed in their explorations led some of the adventurous men in San Francisco to acquire a cheaper route by sea. The mouth of the Klamath river, which enters the Pacific Ocean about forty miles south of the forty-second parallel of latitude, offered the nearest route to the mines, if it should prove to be practicable.

In the spring of 1850, the firm of Winchester, Payne & Co. promoted a scheme for this purpose, which was known as the Klamath exploring expedition. Patrick Flanigan, of Coos Bay, was one of the stockholders in the company. The company fitted out the schooner *Samuel Roberts*, under the command of Captain Coffin, with Peter Mackey as first mate. On arriving at the mouth of the Klamath river, it was found that it was not navigable, and that it was impossible to construct a road from that point to the mines, by reason of the inaccessible mountain ranges intervening. After this discomfiture, the vessel sailed up the coast until it reached the mouth of Rogue river, in latitude about forty-two degrees, twenty-five minutes. Here Mackey and two of the men landed in a small boat to prospect the river and its entrance. Upon their landing, they were immediately surrounded by hostile Indians. By keeping close together, and threatening their assailants with their revolvers, they protected themselves until Captain Coffin, seeing the danger to which they were exposed, fired from the vessel a cannon-shot over their heads. The noise was so novel and terrifying that the Indians fled in great haste, enabling Mackey and his men to reach their boat and the vessel in safety. Proceeding up the coast, the mouth of the Umpqua river was reached, which was entered without accident of any kind. The *Samuel Roberts* was the first vessel of any nation to enter the Umpqua river.

It took but a short time to satisfy the explorers that the river was navigable for a considerable distance from its mouth, and that a practicable route for a wagon road could be located to the Applegate road, which furnished a comparatively easy way to the mines in Northern California. After ascertaining these facts, the *Samuel Roberts* returned to San Francisco.

The glowing accounts of their new discovery, given by the members of the Klamath expedition upon their return, created a great excitement in the city; and the firm of Winchester, Payne & Co. immediately fitted out another schooner, the *Kate Heath*, for the same port. The party consisted of one hundred men, headed by Mr. Winchester, and was intended as not only a trading but a colonization venture. Their object was not alone to establish a trade from their new seaport to the mines, but to select and lay out townsites at such points as would likely prove trade-centers in the country which they

confidently believed would be rapidly settled. Among the adventurers were many men who subsequently made their mark in the state, of whom we may name Addison C. Gibbs, afterwards governor of the state; Patrick Flanigan, who afterwards engaged in coal mining on Coos Bay; Addison R. Flint, who came with the expedition as surveyor, and many others whose names will appear in a subsequent part of this work.

The *Kate Heath* sailed from San Francisco on the 12th of September, 1850, and entered the Umpqua safely after a quick passage. After crossing the bay, they were surprised to find the wreck of a vessel which proved to be the ship *Bostonian*. This ship had been dispatched by a Boston merchant by the name of Gardiner with a cargo of merchandise, around Cape Horn, under the charge of George Snelling, a nephew of Gardiner, as supercargo, as an adventure on the northwest coast. Snelling having heard of the new discovery entered the Umpqua, but having missed the channel was wrecked upon a sand spit. The crew managed to save most of the cargo, which was taken to a place of safety and covered by the sails of the wrecked vessel. This spot was named Gardiner, and has ever since been a place of importance as a seaport.

The party on the *Kate Heath* laid out their first town near the mouth of the river on the north side, which they named Umpqua City. Passing up the river beyond Gardiner, they arrived at the mouth of Smith river, where a number of men were landed to cut piling timber, then in great demand at San Francisco, for a return cargo. Some of the party went up to the head of tide water, where they found that Captain Levi Scott, the old mountaineer, had already laid out a townsite which he named Scottsburg, which he was probably induced to do by the entrance into the river of the *Samuel Roberts*. The same party proceeded to find a trail to the Applegate road; and on the route at the mouth of Elk creek they laid out the town of Elkton. They found a good wagon road to the main thoroughfare a few miles from the North Umpqua river, at the crossing of which they laid out the town of Winchester. The exploring party returned to Smith river, where the schooner was loaded with piles and spars, and sailed for San Francisco, where she arrived safely. Owing to a conflict of views, the association was broken up. Winchester, Payne & Co. became bankrupt; and all their brilliant prospects were left for others to realize.

The vessels which entered the mouth of the Umpqua river during the year 1850 were the *Samuel Roberts*, *Bostonian* (wrecked), *Oriolan*, *Kate Heath*, *Reindeer*, *Minerva* and *Caleb Curtis*. All except the first two came in ballast with passengers, and took a return cargo of piles. Nearly all these passengers remained and became citizens of the new territory. Many of them took claims under the Donation Act, while others engaged in various occupations.

The new settlers were all deeply impressed with the importance of opening the route to the mines in Northern California; and, with this object in view, they laid out a trail to the main overland thoroughfare. At Winchester, John Aiken and Thomas Smith had established a ferry. During this year, Dr. E. R. Fiske located a Donation claim adjoining and below that of Levi Scott; and later William Sloan located one still farther down the river, which were subsequently known as Middle and Lower Scottsburg. In December, 1850, Captain Morgan, who owned the barque *Minerva*, and J. Woodbury of Hartford, Connecticut, established the first store in Southern Oregon, upon the premises of Dr. Fiske; and Dr. E. P. Drew was selected by the owners to take charge of the same.

This was a great convenience to the settlers in the upper part of the valley, who had before been compelled to purchase and pack their supplies from Corvallis, then called Marysville, a distance of one hundred and twenty miles.

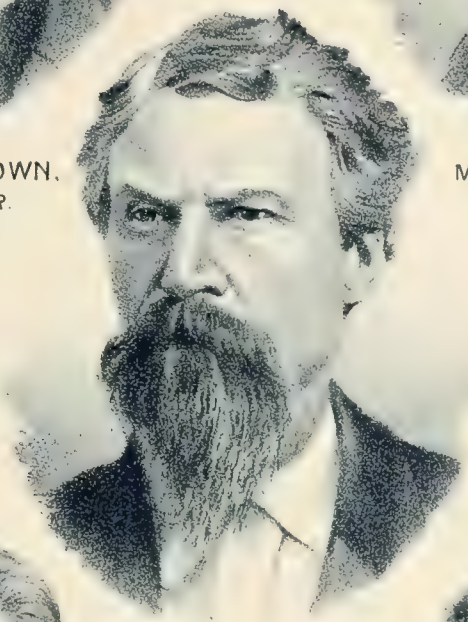
The increase of settlements along the Umpqua in this year, caused by the discovery of a new seaport, was sufficiently large to induce the territorial legislature, in the winter of 1850–51 to establish a county government for their benefit. The new county was named Umpqua; and its boundary line commenced on the coast at the southwest corner of Benton county, thence east to the Calapooia Mountains, thence following this dividing ridge to the head of Calapooia creek, thence down that stream to its mouth, thence down the Umpqua river to the Pacific Ocean. All the remainder of Southern Oregon belonged to the county of Lane. The organization of Umpqua was effected in the spring of 1851.



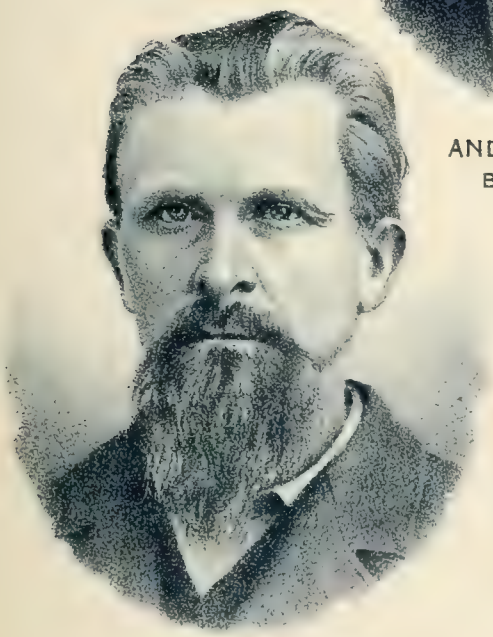
HON. HUGH L. BROWN,
BROWNSVILLE, OR.



MRS. CLARRISA BROWN,
BROWNSVILLE, OR.



ANDREW WARREN.
BROWNSVILLE, OR.



OLIVER P. COSHOW,
BROWNSVILLE OR.



MRS SARAH E COSHOW.
BROWNSVILLE OR

Chapter XLII.

(1850–1851.)

Gold in Southern Oregon — Ambushed by Savages — General Phil Kearney — The Settlers' Appeal — Gallantly Answered — The Military Worsted — Heroic Conduct — Death of Captain Stewart — Reinforcements by Volunteers — General Jo Lane at the Front — The Indians Beaten — A Bad Appointment.

DURING the winter of 1850, the mines on Scott river and Yreka, just south of the Siskiyou Mountains, were discovered, and, proving very rich, attracted a large number of miners. In the spring of 1851, after the water had failed on the Yreka flat, the miners started north, in search of new placers. One party of thirty men, under the leadership of Hardy Elliff, now a resident of Douglas county, crossed the mountains by the way of the old Oregon and California trail into the Rogue river valley, followed it down to the present site of Jacksonville, thence south by Sterling and Little Applegate creeks and across the mountains to the Klamath river. After going down the river a short distance, they recrossed the mountains and reached the head of Illinois river, upon which and its tributaries very rich placer mines were discovered; and a large influx of miners followed. Thus the settlement of Josephine county preceded that of Jackson by nearly a year.

In the spring and summer of 1851, three ferries were established on Rogue river to accomodate the increased travel to and from the Willamette valley and California. These were all, or nearly all, on the line of the Applegate road. The names of the daring adventurers who risked their lives in the business were Davis Evans, Charles Perkins and the Jewett brothers. The ferry stations were the only houses or cabins between the Umpqua valley and Yreka.

Early in 1851, I. B. Nichols, who left Iowa for Oregon with the immigration of 1847, but followed the party going down the Humboldt river to California, was engaged in packing from the new seaport of Scottsburg to the Yreka mines. On entering Rogue river valley, he was informed that the Indians, in violation of their treaty with Governor Lane, were openly hostile. He camped with his train at Willow Springs, but a few miles south of Rogue river, taking every precaution against surprise. The subsequent events, as related by Mr. Nichols himself, are as follows:

"Just at daybreak, June 2, 1851, A. B. Jenkins went to the spring near the willows for water, and was ambushed by the Indians. He was seated dipping water when he was fired upon. His coat was nearly torn off of him by buckshot; but only one hit him in the heel. He ran out of sight; and the Indians, seeing me coming to his rescue, began firing at me. The other men of the party, who were in bed when the firing commenced, hastily rushed to the rescue with their guns. The savages, who were too cowardly to fight in open ground, although there were only six of us, took refuge in the willows, from which we were unable to dislodge them, on account of the density of the thicket. Seeing

two of the Indians mount their horses and ride towards Rogue river, evidently for reinforcements, our party mounted our saddle horses and hastened to Perkins' ferry for assistance. Having secured an addition to our party, we returned to our camp, to find that the Indians had destroyed the outfit, taken all the cargo, and driven off all of the train but four mules." Mr. Nichols went on to Yreka with the pack of Ball & Jacobs, where he purchased a new outfit, and returned to the Willamette for another cargo. On the 3d of June, a party of thirty-two Oregonians, under Dr. James McBride, returning from California, were attacked near Willow Springs. The Indians were repulsed with a loss of seven killed, the Whites having one man wounded in the thigh, and losing four saddle and pack animals, one of them having a pack containing fifteen hundred dollars in gold dust.

In May, 1851, the late General Phil Kearney, then a Brevet Major of the First Dragoons, left Fort Vancouver overland for Benicia barracks in California, with a squadron of that regiment. Upon his arrival at the Umpqua cañon, he was met by a deputation of settlers, miners and packers, who presented him a petition, of which we give a copy, as it contains not only a full statement of the condition of affairs at that time, but a list of all the white men then in that section of the country:

"UMPQUA COUNTY, O. T., 11th June, 1851.

"TO MAJOR KEARNEY, Commanding Detachment U. S. Army,

"*Sir:* The undersigned, citizens of the United States and residents of Oregon, beg leave respectfully to inform you that the savages in this vicinity and along the southern frontier of this territory are now in a state of actual hostility to the white inhabitants.

"They have recently attacked and robbed several parties, and murdered a number of citizens pursuing their peaceful avocations. Those engaged in mining operations have, by the determined hostility of the natives, been forced to embody themselves in large parties and maintain a military organization for their common safety, which draws heavily on the time of each individual, and greatly diminishes the profits of labor. Besides which, many persons who have formed settlements for agricultural and commercial purposes have been forced to abandon their homes and flee to a place of safety. All of these facts we are, if desired, able to establish by the most positive evidence.

"We will further state that if you consider the case one justifying you in attempting the fortification and safety of the southern frontier, we pledge ourselves, so long as you may be detained in the performance of this, to us, highly important service, to supply your troops with ammunition and subsistence at prices as low to the government as such articles can be obtained and transported to the seat of your operations.

"Earnestly soliciting a reply, we remain, with the highest respects,

"Your most obedient servants,

"Joseph Knott, W. Patterson, Wm. Harris, A. B. Florence, Wesley Carroll, John W. Lancaster, J. C. Gouldin, H. P. McGee, W. H. Bolander, D. Evans, Philander Gilbert, M. M. Foote, Samuel Hoffman, George B. Cullen, Franklin Kittredge, Daniel Grewell, J. D. Jewett, Jack Powell, Geo. C. Brown, William Judd, James F. Gazley, W. D. Eakin, Albert H. Hakes, Sam'l McCullum, David Avery, Charles Perkins, Hearon Noble, Wm. T. Patton, John Sweet, Samuel Neill, David White, James Williams, N. P. Newton, David G. Boyd, Thomas N. Aubrey, J. M. Jesse, Gilbert Reynolds, Waldo Jewett, Sewell Johnson, Edward Griffin, R. Ferrel, John Dickens, John Fullerton, J. W. Corkins, A. Tyrrel, Wm.

Burget, Reuben F. Burget, David Powell, Geo. T. Easterbrook, Leonard J. Powell, James G. McLealner, J. M. Stewart, C. G. Belknap, G. W. Bethards, H. A. Belknap, M. G. St. John, Reuben Dickens, Joseph A. Watt, James Watt, R. S. Jewett, Wm. Densmore, Wm. N. Wells, Jesse Hawley, Chisholm Griffith, Allen Nixon."

Major Kearney, who was too gallant a soldier to resist such an appeal, immediately undertook to protect the settlers. It is impossible to describe his subsequent campaign more tersely than he has done in his reports to the adjutant-general at Washington, of which the following are copies:

"Hdqrs. Detachment First Dragoons,
"Camp on Branch of Rogue river, June 19, 1851.

"THE ADJUTANT-GENERAL, U. S. ARMY,

"*Sir:* I have the honor to report in detail that I left Columbia Barracks, Vancouver, on the 29th ultimo, pursuant to instructions from division headquarters, with the squadron of First Dragoons, late transferred from the Mounted Rifles, en route for California.

"The first part of our march was the ordinary routine, passing through a thinly settled, but uncommonly fertile and beautiful, country. On nearing the extreme settlements, rumors of Indian hostilities met us. At Knotts, at the entrance of the Umpqua cañon, the truth of these was confirmed beyond a doubt; and I was waited on by a deputation of citizens with a petition requesting the protection of my command.

"A post is required in this vicinity more than at any other point in Oregon. This point is the key to the road to California, and is the best entrance for emigrants to Oregon; and the Rogue river Indians are proverbially the tribe of all others to be dreaded as fierce and treacherous in the extreme. At this moment, not only is the 'road' infested by them, but all the settlements throughout the Umpqua are in danger.

"As, under my orders, it was not in my power to delay more than a limited period, I deemed it advisable to surprise these Indians, if possible. Consequently, having detached my train under Lieutenant Irvine, by the regular road, with as strong a force as I could spare, guided by Messrs. Jesse Applegate and Levi Scott, I penetrated by a new route, placing myself in rear of the presumed situation of the Rogue river villages; and thus I hoped, with even the limited force of sixty-seven men, to break them up before they could combine or disperse. We left Knotts on the 14th instant, following up the South Umpqua, crossed the Divide on the 16th, and reached the Rogue river on the following day.

"Our difficulty was the uncertainty of the distance to, and the situation of, the villages. They were supposed to be from five to ten miles off. My plan was rapidly to sweep both sides of the river; but it was found for miles unfordable and dangerous in swimming from the swiftness of the current and nature of the banks.

"We pushed on at a trot on discovering a fresh trail; but signals and cries soon convinced us that we had been discovered and our movements watched. The column took the gallop, trusting to anticipate the Indian scouts, Captain Walker leading with orders to seize cañons or passes when he could, and Captain Stewart following in supporting distance, but destined under my command to act on the right bank, the provisions and baggage following with a small guard.

"A party of Indians being observed in a hammock, Captain Walker dismounted and cleared it, the Indians escaping by the river. Captain Stewart was ordered to cover this movement. Shortly after this period, Captain Walker most gallantly pushed across the river in defiance of all obstacles, and some Indians opposite, fortunately without accident. I then overtook and joined Captain Stewart's half squadron just in time to see it, in a brisk skirmish, charge and destroy a party of the enemy, who fought desperately,—a charge brilliant in itself, but costly to us, as it resulted in the death of its most distinguished leader, who fell mortally wounded whilst leading his men. Two others were badly wounded. The train had now to be waited for, and the camp of the wounded established.

"This occasioned a delay of some three-quarters of an hour, and left me but seventeen disposable men, with whom, accompanied by Lieutenant Williamson of the Topographical Engineers, whom I assigned to line duty, I pushed on again rapidly, hoping at least to make a diversion for Captain Walker. After passing on some miles, a smoke at a distance, which proved to be a signal fire, led me to suppose that Captain Walker had destroyed some villages.

"I consequently disposed my men so as to intercept the fugitives. This brought me unexpectedly on a powerful war party of two hundred and fifty or three hundred Indians. Fortunately, an isolated clump of trees gave me a strong position and concealed my numbers. I maintained this position as long as I dared, without being cut off from my camp, and retired without loss.

"The next day, fearing for Lieutenant Irvine's and Captain Walker's detachments, especially from our previous ignorance of a strong war party, and greatly hampered by hospital litters, I crossed to the left bank to avoid an action amidst the ravines and passes.

"The 19th June, Captain Walker and Lieutenant Irvine joined me, from a camp at the foot of the Siskiyou Mountains. I inclose Captain Walker's report of his movements.

"My position is such as to leave the enemy in doubt as to my future moves; and they are likely to remain deceived. In the meanwhile, I have sent Messrs. Applegate and Scott, with an address to the citizens in the several adjoining mining districts, calling on them to turn out in force, in which case our dragoons will do their duty in the main attack; and the volunteer companies will cut the Indians off from their villages, or pursue them to the mountains. I trust in this manner to afford relief from the Indian attacks until a post can be permanently established, which I now recommend as necessary. The post would in a short time be of little expense, as the Rogue river bottoms are very fertile.

"In detailing those operations, I must mention that Messrs. Levi Scott, Jesse Applegate and W. G. T'Vault, gentlemen of high standing as pioneers in Oregon, have rendered me as much service, by their courage and coolness before the enemy, as by their knowledge as guides in this new region.

"I have the honor again to report the satisfactory conduct of every man of my detachment, and of the gallant and efficient manner in which I have been supported by Captain Walker and Lieutenant Williamson. Brevet Captain Stewart's brilliant career raises him beyond the commendation of the individual commander. It can only be uttered by the united voice of the Army of Mexico.

"I am, sir, very respectfully, your obedient servant,

"P. KEARNEY,

"Bvt. Major, First Dragoons."



DR. N. G. BLALOCK,

WALLA WALLA, W. T.

Captain Walker's report is as follows:

"Camp First Dragoon Detachment,

"Rogue River Plains, O. T., June 22, 1851.

"LIEUTENANT C. E. IRVINE,

"Adjutant First Dragoon Detachment,

"*Sir:* I have the honor to communicate for the information of Brevet Major First Dragoons, Commanding, that, agreeably to his orders, I crossed Rogue river on the morning of the 17th instant, with detachment Company E, First Dragoons, at a point about twenty miles north of this place, Major Kearney, with detachment Company A, under the late Brevet Captain Stewart, remaining on the right bank, the object being to sweep down both banks of the river and to chastise or destroy any bands of hostile Indians that might be encountered, and for me to act in concert with the command on the opposite shore as far as circumstances would allow. At the same time, each party was thought to be of sufficient strength to be successful against any force of hostile Indians that might be encountered, and also that the two companies would form a junction with each other at some point below, which in our ignorance of the country could not be designated.

"In obeying these instructions, I pursued the course of the stream some ten or twelve miles, encountering and partly destroying several bands of hostile Indians. Before proceeding further down, I considered it important to gain, if possible, information of Major Kearney's position and route. For this purpose, I dispatched a non-commissioned officer with four men to return on my trail and ascertain, if possible, where Major Kearney then was, and to receive his orders. After several hours' absence, the party returned without bringing any information relative to Major Kearney's command, although the non-commissioned officer reported that he had gone almost to the point of our crossing in the morning, and was prevented from going to that point by encountering a large band of hostile Indians, which he supposed had been driven across by Major Kearney's command passing down on the opposite shore.

"At the point I had then reached, the river formed a semicircle, my line of march being on the outer circumference, while the company under Major Kearney, by taking the chord of the arc, would arrive much sooner than I could at the point below, where a large force of hostile Indians were said to be assembled.

"This line of march I supposed he had pursued; and in order to co-operate with the other company in the main attack, which I was now aware would be more serious than I had previously supposed, I pushed forward along the bank of the Rogue river for fifteen miles as rapidly as possible, endeavoring without success, at every point that looked fordable, to recross the river.

"From an elevated point, I now obtained a good view of the country on the opposite side of the river, and saw to my surprise several hundred Indians (mounted and dismounted) on a plain at the base of what is known as Table Mountain. I then became still more desirous of recrossing and forming a junction with the command on the opposite side, wherever they might be, as I knew they were unprepared to encounter so formidable a force as the Indians had here assembled. Crossing here, however, was utterly impossible, as by the junction of several large tributaries the stream was here very deep and of great rapidity of current, assuming more the character of a torrent rushing between high banks of volcanic rock.

"My anxiety to join Major Kearney was not lessened by remembering that my company was entirely unprovided with subsistence. To have countermarched twenty-five or thirty miles to the point where I left Major Kearney in the morning would have

occupied all of next day; and on arriving there I might not find him, and during which time my company would be without food. Under these circumstances, I determined to endeavor to find the main road leading from Oregon to California, in hope of falling in with Lieutenant Irvine's subsistence train, or with some emigrant or mining party from whom subsistence might be procured.

"I accordingly left the river, and, pursuing a southeastern direction for about five miles, had the satisfaction of finding the road, and, after traveling about six miles further, encamped for the night, having marched that day over forty miles.

"The next morning, at daylight, I pursued my course, and before going far had the satisfaction of learning from a party of miners that Lieutenant Irvine was in advance of me; and, pushing on rapidly, I overtook him about noon on the 18th. I should have set out to rejoin Major Kearney's command immediately on getting supplies; but, from the exhaustion of both men and horses after two days of rapid marching, and the men without food, I considered it advisable not to set out on my return before the next morning. In the afternoon, however, I received orders from Major Kearney to follow back my route and join him here, with which I complied, joining him at this camp on the 19th instant.

"I am, very respectfully, etc.,

"J. G. WALKER,

"Bvt. Capt., Comdg. Det. First Dragoons."

Major Kearney, in his hasty report, neglected to mention that I. B. Nichols, who had just returned with a cargo from the Willamette, and several others, left Knotts with his detachment; while the men who signed the petition for his assistance hastily organized a company under Captain Humphrey, and joined him at the earliest possible moment. General Jo Lane, who returned to Oregon from the Scott river mines early in the spring, and had been elected delegate to Congress in place of Hon. Sam Thurston, deceased, upon hearing of the proposed campaign, at once organized a company of volunteers and proceeded to the scene of hostilities. The balance of the campaign is best described in Major Kearney's final report:

"Camp Stewart, Saturday, June 29, 1851,

"Branch of Rogue River.

"*Sir*: I have the honor to continue the report of my late movements against the Rogue river Indians. My desire had been, by assembling a large force of volunteers, to simultaneously occupy the principal passes of the mountains, so that the Indians, retiring before our main party, might be intercepted in their retreat to the inner villages,—our difficulty being a want of knowledge of the country and their system of detecting our movements by spies on the most elevated peaks.

"The position of my camp enabled me, while awaiting volunteers, to cover the road, and to afford a safe resting spot to parties from the mines. I recaptured the only packs robbed within miles of me.

"Sunday, the 22d, at noon, Mr. Levi Scott returned from the Rogue river mines, and in the evening Mr. Jesse Applegate, accompanied by Colonel Freanor (of New Orleans), from Chaste (Shasta) plains. The desultory bonds of a mining community caused a comparatively small number to volunteer. Those who did, however, rendered much service, and were extremely active. They amounted, with Captain Humphrey's party (a volunteer force organized at my camp), to near one hundred.

"As soon as it became dark, that same night, by a rapid march, I placed myself again near and above the point where I expected to find the rendezvous of the Indian war

party. The shortness of the night caused it to be daylight before we could reach it; and our efforts to secure their horses were without avail. The 23d and 24th were spent in breaking up the Indian ranches, and in destroying such war parties as we could meet.

"On the afternoon of the 23d, there was something of a brisk skirmish, in a dense hammock, with a party, which had been first intercepted by Colonel Freanor's spies. This gentlemen deserves to be particularly noticed, for the zealous manner with which he left important interests at the Chaste mines to volunteer in this quarter.

"The night of the 24th, General Lane, who, on learning of the troubles, had raised a party and had been acting in the vicinity, joined our camp. As General Lane was present in a private capacity, it was not possible to yield (as I would have desired), as due to his position and distinguished reputation, the command of my detachment; but I had the honor, from that time, of acting in co-operation with him.

"Accompanying General Lane with part of my dragoons (Captain Walker, Captain Humphreys and Colonel Freanor scouring the country at opposite points), we forded Rogue river from the left bank, at a point about ten miles above the ferry; and following up a creek, over a country hitherto unexplored, we spent the next three days in making a circuit around the stronghold near Table Rock. We returned to Camp Stewart (our permanent camp) on the evening of the 27th instant.

"Whilst on this detour, General Lane's party succeeded in capturing the family of the head chief.

"The occupations of the citizens are such, that in thus spiritedly turning out, they have done everything that could be expected. I declined assuming any direct command over them, although they have cheerfully acted on such points as I assigned to them. Governor Lane, of course, would have been chosen to that command had they acted in one body.

"We have taken many prisoners from among the women and children,—above thirty. They will prove useful in effecting a treaty, or holding the Indians in check. It was impossible *to spare the men*, as they combat with desperation to the last, meeting any advances with treachery. In these late affairs, there have been a number of wounded, but none seriously.

"The volunteers broke up on the 28th instant. This morning, the 29th, I will resume my march to California. The lateness of the rainy season, the temporary nature of my outfit for the detachment, this late delay of more than a fortnight's operations, which counts from my leaving Knotts, on the South Umpqua, imperatively demand that I lose no time (according to division orders) in organizing the Dragoons in California with the Rifle transfers, those present with us and those who went by sea; and I consequently must content myself with these rapid operations, which, as the enemy has been dispersed and many severe blows inflicted on him by the loss of life, capture of families and destruction of property, have had all and more success than I could have hoped. Still a post is instantly demanded to maintain quiet; *nor have I any faith in a treaty with these people.*

"Whilst again recounting the efficiency of Brevet Captain Walker and Lieutenant Williamson, it gives me pleasure to state that Lieutenant Irvine, who has commanded detachment Company A, has proved himself as valuable a line officer as he has been indefatigable as acting Quartermaster and Commissary.

"Assistant Surgeon Edgar has been untiring in the discharge of his duties to the sick and wounded. I am, sir, very respectfully, etc.,

"P. KEARNEY,

"Brevet Major First Dragoons, Comdg."

General Lane, in writing of the campaign, says: "The Indians have been completely whipped in every fight. Some fifty of them have been killed, and thirty taken prisoners. Major Kearney has been in the saddle for more than ten days, scouring the country and pouncing upon the Indians wherever they could be found. Never has an Indian country been invaded with better success, nor at a better time." (As the name of the gallant officer who was killed in this campaign has been differently spelled in the reports, it is proper to say that his name was James Stuart, not Stewart.)

General Lane accompanied Major Kearney and his detachment, on his route to San Francisco, as far as the Shasta mines, where he had some business matters to attend to. As General Lane would return to Oregon in a few days, Major Kearney took advantage of the opportunity to get rid of his troublesome prisoners, by turning them over to the general, and taking his receipt therefor, of which the following is a copy:

"I have this day received of Major P. Kearney, U. S. Army, by Captain Walker, thirty-one prisoners (women and children) taken from the Indians living on Rogue river, Oregon, which I am to deliver to Governor Gaines of said territory, or to the superintendent of Indian affairs. "JOSEPH LANE.

"Shasta Mines, Cal., July 3, 1851."

In a few days after, General Lane returned to the Willamette valley, taking the prisoners with him. These he delivered safely to Governor Gaines, whom he met at the crossing of Rogue river, who was at that point for the purpose of making a treaty with the Indians. After the delivery of the prisoners, Governor Gaines made a treaty with the Rogue river Indians, which, while indefinite in its terms, would have been sufficient to control the recently punished tribes had he appointed the right man as Indian agent. Judge Alonzo A. Skinner, to whom this position was assigned, was probably the most unqualified person for the place that could have been found in the whole territory. He had arrived in the country from the East only the year before, was entirely ignorant of the character of the Indians placed in his charge, and, although a man of strict honor and integrity, was the most amiable of men, with no force of character whatever. The Rogue river Indians, who were a nation of warriors and only respected a fighting man, soon discovered the agent was a king log, and treated him accordingly. In justice to Judge Skinner, it should be stated that he labored under the disadvantage of having no troops under his control, while Dr. Anson Dart, then Indian superintendent of the territory, seemed to ignore the existence of these warlike tribes. The result of this mismanagement will be seen later.



HON. D. F. PERCIVAL,
CHENEY, W. T.

Chapter XLIII.

(1851.)

Settlement and Organization of Umpqua County — First County Election — First Postoffices and Postmasters — Pioneer Merchants — United States Collector of Customs — Shipping — Discovery and Settlement of Port Orford — Desperate Fight with Savages — Indians Become Acquainted with Cannon — Disastrous Ending of First Settlement — Second Attempt to Settle Port Orford — Disastrous Explorations — Humane Indian Boy — Inhuman Massacre — Savage Butchery and Cremation — The First Indian Mission — A Disgraceful Failure — Military Expedition — Settlement of Rogue River Valley — Discovery of Gold — Saw-mills and Grist-mills.

IN ADDITION to the campaign before related, the year of 1851 was an eventful one for Southern Oregon in regard to its settlements. During this year, the Umpqua valley, the fertile soil and equable climate of which was well known to the early pioneers, became settled. From the Calapooia Mountains to the Umpqua cañon, from Yoncalla to the seaport of Scottsburg, and, in fact, in every open valley, daring settlers had taken claims under the Donation Act. Each one of these settlers was a hero, and his wife a heroine. Compelled to live in the most primitive manner, without any of the luxuries and without many of the necessities to which they had been accustomed, at the risk of their lives from hostile savages, they determined to carve out a home for themselves and their posterity.

The act of 1850, establishing the county of Umpqua, having omitted to provide the time and places of holding elections, Governor John P. Gaines, in April, 1851, issued a proclamation ordering the election to be held at the time of the regular election in June, and fixing the polling places at the house of Jesse Applegate in Yoncalla, at Reason Reed's, on Calapooia creek, at the house of John Aiken, Umpqua ferry, and at Scottsville (Scottsburg), the head of tide water on the Umpqua river. This election resulted in the choice of Dr. Joseph W. Drew, Representative; J. W. Perit Huntington, Clerk; Henry Jacquith, Sheriff; A. German, Treasurer; A. Pierce, Assessor; Ben J. Grubbe, J. N. Hall and William Golden, County Commissioners. The total vote was seventy-eight; but it is safe to say that not more than half the vote was polled, owing to the distance from the polls and the pressing necessity of the settlers and merchants to remain at home. Soon after, the county offices were organized and the business in full operation. Elkton was designated as the county seat. This point was on the main Umpqua river, opposite the site of Fort Umpqua, but never grew into a town, and was afterwards abandoned. Pack trails were cut out from Scottsburg to Yoncalla, and from Scottsburg to Winchester, and two ferries established across the bend of the Umpqua river, the lower one by Henry H. Woodward and the upper one by Abijah Ives. Postoffices were established at Scottsburg, with S. F. Chadwick, postmaster; Gardiner, George L. Snelling, postmaster; Elkton, Daniel B. Wells, postmaster; and Umpqua City, Amos E. Rogers, postmaster.

These were the first postoffices south of the Calapooia Mountains. The chief source of this prosperity was the opening of the Umpqua river to commerce, and the establishment of mercantile houses at Scottsburg to supply the mines of Northern California, by means of which the settlers could procure their supplies without the heavy expense of transportation from the Willamette valley by pack trains.

Scottsburg at this time, like ancient Gaul, was divided into three parts. The claim of Levi Scott, the original one, was known as Upper Scottsburg, that of Dr. E. R. Fiske, next below, was Middle Scottsburg, and the lower, that of William Sloan, as Lower Scottsburg. In December, 1850, Captain Morgan, of the bark *Minerva*, and J. Woodbury, of Hartford, Connecticut, established the first store at Middle Scottsburg. In January, 1851, Turner & Chism put up a store in Upper Scottsburg; and the next in order was the establishment of Duncan McTavish with an extensive stock of goods. Then followed in rapid succession the firms of Merritt, Oppenheimer & Co.; Bradbury & Co.; Wadsworth, Peter & Ladd; R. E. Stratton; Dunlap & Co.; Dr. L. S. Thompson; Brown, Dunn & Co.; Geo. L. Snelling. These were all in Upper Scottsburg. In Lower Scottsburg, the firms were A. German & Co.; Chadwick, Hinsdale & Co.; Allen, McKinlay & Co.; Burns & Wood; and Mr. Hogan. Several of these firms had large pack trains, by which they shipped their goods to the mines, where they received fabulous prices. In May, Collins Willson was appointed collector of the port, and arrived at his post of duty, on the *Sea Gull*, in August. The entries at this port during 1851 were the *McLellan*, *Andrew Roy*, *Capacity*, *Harriet*, *Minerva*, *Kate Heath*, *Commodore Preble*, *McLellan*, *Ortolan*, *Emily Farnham*, *Sea Gull*, *Almira*, *Fawn*, *Chesapeake and Orchilla*. Nearly all of these vessels brought cargoes of merchandise, and for return cargo carried piles, wood, charcoal and fish.

Fortune seemed to favor the adventurous settlers of the Umpqua, as but one casualty is reported during the year, which was the drowning of Briggs A. Turner and Captain Isaac Toner of the brig *McLellan* on the 7th of July, in the Umpqua river, by the upsetting of a boat.

The success of the venture at the mouth of the Umpqua stimulated others to find a new port within easier reach of the mines. Captain William Tichnor, a shipmaster from New Jersey, who arrived at San Francisco in the fall of 1849 by the overland route, having purchased the schooner *Jacob Ryerson*, left San Francisco on an exploring voyage along the northern coast, and on March 26, 1850, discovered a harbor or roadstead in latitude forty-two degrees, forty-three minutes, some twenty miles north of the mouth of Rogue river, which he named Port Orford. Subsequently, he was appointed captain of the *Sea Gull*, a steamer plying between San Francisco and Portland, Oregon. The distance from Port Orford to the mines in Northern California is, in a direct line, less than one-third of that by the way of the mouth of the Umpqua; and as the topography of the country was unknown, never having been explored by white men, it was reasonable to suppose that as good a trail or road would be found up the valley of Rogue river as had been found in the Umpqua.

Acting under this belief, Captain Tichnor determined to make a settlement at Port Orford. While at Portland the last of May, 1851, he engaged nine men for that purpose. Having secured a good supply of provisions, arms and ammunition, he took them aboard the *Sea Gull* on her trip to San Francisco; and on the 9th of June, 1851, they were safely landed at Port Orford, together with the ship's gun and copper magazine. The names of these adventurers were J. M. Kirkpatrick, Captain J. H. Egan, Joseph Hussey,

Cyrus Hedden, R. E. Summers, P. D. Palmer, McCune, Rideout and Stater. After the landing, the ship proceeded on her voyage, the captain promising the men that on his return trip, which would be in twelve days, he would bring them a reinforcement from San Francisco. Upon arriving at that port, it was found necessary to repair and paint the ship, which delayed her return. While his vessel was being repaired, Captain Tichnor made a trip to Portland on the Pacific Mail Company's steamer *Columbia*, Captain Leroy commanding, in the capacity of pilot. As they entered the harbor of Port Orford, a number of canoes filled with Indians were seen paddling with all haste to the southward. The ship fired her gun to warn the men left there of her approach. As soon as the gun was fired, all the Indians plunged overboard and swam to the shore. After the vessel was anchored, a boat was manned and pulled ashore. At the landing lay a dead Indian. An immediate search proved that the carriage of the gun had been broken up, and that the magazine, as well as the tents, were gone. Hard bread and pork were scattered around, and devastation everywhere. Fragments of a diary were found scattered around, in which all the events that had happened up to the previous evening were recorded. A further diligent search having failed to find any trace of the men, the ship proceeded on her voyage to Portland, all on board being fully satisfied that the men left had been massacred.

The adventures of the first settlers of Port Orford are best told in a letter written by their Captain, J. M. Kirkpatrick. He says: "We were landed at Port Orford on the morning of the 9th of June, 1851. We found the Indians, who made their appearance when we first landed, to be somewhat friendly disposed, manifesting a disposition to trade with us; but this did not last longer than the steamer lay in the bay. As soon as she left, they grew saucy and ordered us off. Finding that we would not go, they all left. In the meantime, we had taken possession of a small island or rock, detached from the mainland by a passage about one hundred yards in width, upon which we made our encampment. We had a four-pounder cannon, which we had brought from the steamer. This we planted in front of our encampment, so as to rake the passage to the bottom or offset in the island. The Indians did not make their appearance till early the next morning, when they began to gather on the beach in considerable numbers. I noticed that they were better armed than when we first landed. There were about forty of them on the ground.

"At sunrise, they built up several fires and went through with a regular war-dance. They were joined by others who came over the hills, and shortly after by twelve others with a chief, who came in a large canoe. By this time, there were about sixty of them. As soon as the chief landed, they began to come up the island. We met them and made signs that we would shoot them if they did not go back. This had no effect on them, and they still came on. We then retired to the top of the island, where we had our gun stationed. They had by this time gained the top of the first step, about forty of them in number. They then made a rush to pitch into the camp among us, the chief leading the way. As he approached the top of the hill, he seized hold of a musket in the hands of one of the men and would have wrenched it out of his hands had not another man struck him over the hands and knocked his hold loose. In an instant, they threw a volley of arrows at us, the most of them passing over our heads. The great crowd of them were within six feet of the mouth of the cannon. I jerked up a firebrand, and discharged the cannon among them, killing some six or eight dead. This threw them into confusion, which we followed up with a discharge from our rifles and pistols. Three of them only got into the camp, and were knocked down with the butts of our guns. The fight lasted

about fifteen minutes, when the Indians broke and ran, leaving thirteen dead on the ground. They fled to the hills and rocks, and continued to shoot their arrows at us for some time. There were a great many of them wounded, and I learned afterwards from an Indian at the mouth of the Umpqua, who could speak jargon, that there were twenty killed and fifteen wounded. There were four of our men wounded.

"The Indians got several rifles, and shot at us in the afternoon, but with no effect. During the afternoon, a chief came up the beach, and made signs that he wanted to come into camp. He threw his arms down on the sand, and we let him come up. He made signs that he wanted to take away the dead. This we let him do; and, while he was in the camp, I made signs to him that, in fourteen days from the time we arrived there, we would go away. After they had taken away their dead, they fired a few shots at us and left. We were not troubled by them any more till the morning of the fifteenth day, when they attacked us again. There were a great many more at the second fight than at the first. There were at least fifteen of them to one of us. Their chief came out and urged them in tones that could be heard a mile distant, but could not prevail on them to make the second rush on us. They shot their arrows at us at the distance of three hundred yards, a great many of them falling in the camp; but none of us received the slightest injury. We were at this time in a critical situation. Our ammunition was just about gone. We had not more than eight or nine rounds of shot left, and were surrounded by at least one hundred and fifty Indians. The only alternative left was to take to the woods, and make our way to the habitation of white men. Here fortune appeared to favor us. The Indians drew off, and went down the coast to the mouth of a small creek, where they built a number of fires. There were still a number that stayed to watch us. We then went to work to strengthen our breastwork. This movement had the desired effect; for, in a few minutes, they all left to join the others. This gave us an opportunity to make our escape to the woods, which we effected, leaving everything we had in the camp, except our small arms."

The account of the journey to the Umpqua, told in the same way, is very interesting, although full of painful incidents. The party was obliged to avoid the beach, where they could have obtained food, on account of hostile Indians, and for four days were obliged to subsist on salmon berries, which are a very light diet. On the evening of the fourth day, they struck the beach, where they got some mussels, upon which they lived until they reached the mouth of Coos river. Here they found some friendly Indians, who furnished them food, but compelled them to give the shirts from their backs as the price of crossing them to the other side. After almost incredible hardships, they arrived at the mouth of the Umpqua on the eighth day after leaving Battle Rock, as it has since been appropriately named, and were kindly greeted by the settlers in Umpqua City and Gardiner.

Captain Tichnor, upon his return to San Francisco on July 1st, found the *Sea Gull* ready to take in cargo, and, not disheartened by the disastrous result of his first venture, adhered to his purpose of making a settlement at Port Orford. He accordingly called for volunteers, which were easily obtained, as there were in the city at that time a large number of adventurous, as well as idle and destitute, persons willing to go anywhere, if it promised success or the means of support. The vessel sailed with sixty-seven men, under the command of James S. Gamble. They were provided with a brass six-pounder gun, two iron swivels and small arms of the most approved pattern obtainable at that time, with ammunition, provisions, clothing and everything necessary for a four-months' siege. All were safely landed on the 14th of July. The volunteers were active and intelligent



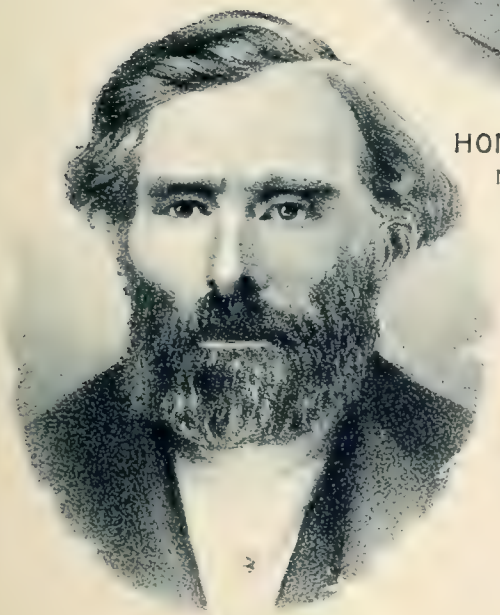
HON. THOMAS SMITH.
ROSEBURGH OR.



MRS. A. E. SMITH.
ROSEBURGH OR.



HON. J. B. REAVIS.
N. YAKIMA WT



EUGENE F. SKINNER.
EUGENE CITY OR.



WM. T. OSBORN.
EUGENE CY, OR

young men for the most part, who made good citizens; and many of them made their mark upon the history of Southern Oregon, among whom must be named L. L. Williams, whose record will more fully appear. But, unfortunately, some of them were the worst desperadoes that could have been found in the Golden City. Mr. Nolan joined the expedition at Humboldt Bay.

Immediately on their arrival, a point was selected on the mainland, which was picketed, and two blockhouses erected inside of heavy logs, which was named Fort Point. Upon the return trip of the *Sea Gull*, Captain Tichnor brought some swine and six horses. W. G. T'Vault, who had been a guide for Major Kearney in the spring, came as a passenger, and was expected to discover the most direct route to the mines in the interior. Upon the departure of the vessel, it was found necessary to send fourteen of the most desperate and insubordinate back to San Francisco. The prospects at this time were very favorable. The fortifications had been completed, and the Indians began to come in, showing a disposition to trade and be friendly.

On the 24th of August, two parties were sent to find a trail to the overland route, one under the command of Mr. Nolan, the other under T'Vault. The first-named party returned safely after being out seven days, but were entirely unsuccessful in accomplishing their object. The party under T'Vault also failed in their purpose, but were much more unfortunate. The T'Vault company consisted of eighteen men, with six pack horses to carry provisions, blankets, etc., and was accompanied by an Indian chief, who went to guide them to the Rogue river. After being out eight or nine days, nine of the party returned to Port Orford, bringing a flattering report of their progress. The party were proceeding easterly until they reached the Rogue river, where the Indian guide left them. They followed this course but a short distance, when they left the river, and in about ten miles found an Indian trail leading in a northerly direction, which they pursued for several days, under the belief that it would lead them to the Umpqua river. Upon reaching the stream, it proved to be the south branch of the Coquille; but, at the time, they mistook it for the Coos river, which mistake was soon discovered by Cyrus Hedden, who had been one of the nine who escaped from Battle Rock in June. Upon reaching the river, they abandoned their pack horses and all their baggage, as they were almost on the point of starvation, and had been subsisting upon berries alone for several days. Following down the stream, they arrived at the main Coquille river, where, meeting a number of Indians, they induced them, by presents of buttons and such things as could be spared, to take them in their canoes to the mouth of the river. Upon reaching a point about two miles from the mouth, they discovered a number of Indians in canoes near the north bank of the river, and about two hundred more on the shore. The men were weak and hungry, having had nothing to eat for several days; so they determined to obtain some provisions at all hazards. With this view, they approached the shore; but as they did so, their canoes were seized and brought near the bank. While no hostile demonstrations were yet made, their request for food was refused; and, when they attempted to push off and resume their journey, their canoes were held by the Indians. Suddenly about fifty Indians sprang into the water, seized the arms of the men before they could fire, sank their canoes, and commenced a murderous attack with clubs and knives. T'Vault's account is as follows:

"I was sick and hardly able to sit up in the canoe, but, as I rushed to the shore, was stabbed and knocked down by two blows, one on the breast and the other on the back, and suppose I was thrown into the river for dead or to be drowned. The first

thing I remember was that I was about thirty feet from the shore in swimming water, and was helped into a small canoe by an Indian lad about fifteen years old. The boy then ran to the other end of the canoe and assisted Mr. Brush to get into the same. Brush had been knocked down by a blow on the head with the sharp edge of a paddle, which took away a large portion of his scalp. As soon as we were safely in the canoe, the boy gave us the paddles and jumped overboard. Brush and myself paddled the canoe to the opposite bank; but, when we arrived there, neither of us was able to stand; so we rolled out, pulled off our clothes and crawled up the bank into the brush. During this time, there were heard the most dismal screams and the sound of blows; but no Indians followed us. We continued our course south, keeping in the chaparral during the day and traveling the beach at night. After two days, we arrived at Port Orford on the 16th of September, in such a feeble condition that it required two Indians (we found some friendly ones) to assist us to walk."

Upon T'Vault's arrival at Port Orford, he believed the rest of the party killed, which was not true. Williams and Hedden reached the shore, fighting their way. The former being clinched by a large savage, a desperate struggle ensued, in which the Indian was thrown; and Williams made short work of the brute with his knife; but, while down, another Indian drove an arrow into him, entering the loin and ranging towards the opposite groin. Hedden pulled out the shaft, leaving a three-inch piece, to which the stone arrow-head was attached. Hedden escaped without serious injury, but terribly bruised by the blows of clubs and paddles. The two escaped to the brush, holding the Indians at bay with their rifles, which they managed to retain, and killing two Indians in their retreat. It was not long, however, before the fatal arrow-head began its terrible work, causing intense suffering to Williams; and, on the following day, it was almost impossible for him to move. So great was his agony, that he begged to be permitted to lay down and die. His faithful companion gathered berries for him to eat, carried water in his dilapitated cap for long distances, encouraged him with the hope of escape, and assisted him in walking. On the ninth day after the massacre, they reached the mouth of the Umpqua river, where they fortunately found the brig *Fawn*, Captain Wood, who sent a boat and conveyed them to Gardiner, seven miles up the river. Williams finally recovered, the arrow-head having been extracted in 1856. After having filled several positions of honor and trust in Douglas county, he died in March, 1881. Cyrus Hedden still lives, an aged and much-respected citizen of Douglas county.

The four persons mentioned were all who escaped the massacre. The other five, having been killed, were hacked to pieces in such a manner that their bodies could not be identified; and a party of Indians who were hired to purchase the bodies were compelled to cremate them.

Thus ended the first attempt to establish a road to the mines. Soon after T'Vault's return, a party of twelve inexperienced mountaineers, with one pack animal, attempted to find a trail by the way of the Coquille river. They failed to find the pass from the Coquille to the South Umpqua, and, after suffering many hardships, returned without the loss of a man.

Notwithstanding the failure to find any communication with the interior, Captain Tichnor and the Port Orford company were, in some manner, able to convince the Indian and War Departments that this was the only point from which negotiations with the Rogue river Indians could be carried on. Accordingly, the *Sea Gull*, on her departure from Portland on August 29th, took Anson Dart, Superintendent of Indian Affairs, Dr.

Spaulding, of Walla Walla, and J. L. Parrish, a missionary of the Methodist church, the two latter as interpreters, neither of whom knew a word of the language of the coast Indians, as the latter were entirely unacquainted with the jargon of the northern tribes. They were accompanied by two Indians, who had been captured while boys, and were supposed to be from Port Orford or its vicinity. At Astoria, the *Sea Gull* took on board, by order of General Hitchcock, then in command of the department, Lieutenant Whyman, of the artillery, thirty men, two mules and one mountain howitzer, with the necessary supplies, all of which were safely landed at Port Orford.

The best that can be said of the mission of Dart and his interpreters was that it was a miserable failure. None of the party had the courage to meet the Coquille Indians; but they sent two Indian women to beg them to come to Port Orford, which offer the hostile savages respectfully declined. Dart also sent an Indian to request the Rogue river tribes to come to him and make a treaty. Had he known anything about the Indians of Southern Oregon, and the topography of the country, or if he had tried to inform himself, he could have known that the Rogue river Indians were hostile to the coast tribes, and would not undertake a journey through their country, even if disposed to make a treaty, which they were not. Dart and his party returned to Astoria by the steamer *Sea Gull* in the latter part of September, leaving Samuel Culver as Indian agent.

Upon the reception of the news at San Francisco of the murder of the T'Vault party, General Hitchcock, then in command of the department of the Pacific, ordered Lieutenant-Colonel Silas Casey, with ninety men, to proceed at once to Port Orford and chastise the murderers. The command consisted of two companies of dragoons, dismounted, under First Lieutenant Stanley, and thirty-six mounted men, with sufficient pack mules, under the command of Lieutenants Stoneman and Wright. The command were all safely landed at Port Orford early in November, and immediately proceeded to execute their orders. Upon their arrival at the south side of the Coquille river, the Indians, who were in full force at their village on the opposite bank, by gesture challenged the soldiers to fight, and fired several volleys from the guns they had captured. A few well-directed shells from the howitzer enabled a part of the command to cross on a raft, when the Indians fled through the brush up the river. Their village and their winter store of provisions were destroyed. The troops pursued them under great difficulties, on account of the rainy weather and the inaccessible nature of the country; but, having procured boats from Port Orford for a part of the force, they finally brought them to bay near the forks of the Coquille. The engagement was short, the Indians soon fleeing to the woods and mountains, leaving fifteen killed and many more wounded. Having burned their lodges and provisions, the troops returned to Port Orford, from which place they took passage on the Columbia and arrived at San Francisco December 12, 1851.

The year 1851 was also made memorable by the settlement of the Rogue river country, by which is meant that portion of the country drained by this stream and lying between the Coast and Cascade Ranges of mountains. At the time of the raid by Major Kearney, as before related, there were no settlements between the South Umpqua river and Yreka, on the south side of the Siskiyou Mountains, with the exception of the three ferries across Rogue river. During the year 1850, the mines on Scott river and in Yreka flat were discovered, and induced a large immigration of miners. Early in the spring of 1851, a small party of miners, among whom was Dan F. Fisher, at present an old and respected resident of Jackson county, crossed the Siskiyous to the head of Illinois river, and following down that stream discovered, in May, the diggings on what was afterwards

called Josephine creek. Fisher returned to Yreka in the latter part of May for provisions. On his return, about the first of June, he was accompanied by a large number of miners, among whom were Hardy Elliff, John E. Ross, N. C. Dean and many others who afterwards became permanent and leading farmers in different parts of Southern Oregon. The party crossed the mountains by the old Oregon trail, followed the foothills on the south side of Rogue river till they came near the present site of Jacksonville, thence south through where Sterling now stands, thence followed the south fork of the Applegate some distance, when they crossed the mountains to the new diggings. The country over which they traveled has since proved very rich in gold; but, in their haste to reach their destination, they failed to discover it. Josephine creek proved to be very rich; and, in July, Cañon creek, a branch of the same stream, was prospected and also found to contain rich gold placers. By this time there were several hundred miners and prospectors in that vicinity.

Shortly after the so-called treaty of peace made by Governor Gaines was executed, A. A. Skinner, who had been appointed Indian agent, and Chesley Gray, his interpreter, took Donation claims in the valley of Bear creek, not far distant from Table Rock, the headquarters of the Indian chiefs. N. C. Dean quit mining on Josephine creek, and took his claim at Willow Springs. Other adventurous men, emboldened by the punishment given the Indians by Major Kearney, and by the Gaines treaty, located in the upper end of the valley. The Mountain House, at the foot of the Siskiyou Mountains, was held by Major Barrow, John Gibbs and Jas. H. Russell. A few miles below, Patrick Dunn, Thomas Smith and Fred Alberding made their locations under the Donation Act, as did also Samuel Culver, the former Indian agent, at Port Orford; and near by L. J. C. Duncan, Stone, Poyntz and Lewis also made their homes. In all, there were about fifty persons residing in Jackson county on January 1, 1852.

In addition to the actual settlers, there was an increasing trade being carried on between the Willamette valley and Scottsburg, with the miners in Northern California and Josephine county, the most of which was by means of pack trains, the roads or trails being almost impassable for wagons other than the ox-teams that had made their way across the plains.

The immigration of this year added largely to the population of the Umpqua valley, and was composed of intelligent, manly, self-supporting men, whose names will be found in another volume, and who made their mark on the records of the state. In November of this year, Thomas Smith and Calvin C. Reed erected a saw-mill near Winchester, on the North Umpqua river, which was a great boon to the settlers, and which was followed the next season by a grist-mill.



GEO. W. GOODWIN,

NORTH YAKIMA, W. T.

Chapter XLIV.

(1852.)

Douglas and Jackson Counties Created — First Election — First Court in the Southern District — Early Merchants — Pioneer Lawyers and Doctors — Pony Expresses and Territorial Roads — U. S. Mail Route — Gold Discovered at Rogue River — Gaines' Futile Treaty — Marauding Indians — Volunteers Called Out — War With the Savages — Settlers Favor a Treaty — Captain Lamerick Banqueted — Heroism of the Pioneers — The Government's Neglect of Settlers and Volunteers — Protecting and Relieving Immigrants — Indian Ambuscades and Savage Murders — White Women and Children Butchered — The Settlers to the Rescue — Captain Ben Wright Wreaks Revenge — Disaster at Port Orford — Prosperity on the Umpqua — A Hard Winter.

THE territorial legislature, at the session of 1851–52, on the 7th of January, 1852, passed an act organizing the county of Douglas, defining its boundaries as follows: Beginning at the mouth of Calapooia creek, thence following the main fork of said creek to its source, thence due east to the summit of the Cascade Range of mountains, thence due south to the summit of the dividing ridge separating the waters of Rogue river from the waters of the Umpqua, thence westerly along the summit of said ridge to the summit of the Coast Range of mountains separating the waters of Coquille and Coos rivers from the Umpqua, thence northerly along the summit of said Coast Range to a point where the south line of Umpqua county crosses said range, thence due east along the south line of Umpqua county to the place of beginning. The election precincts were established at Reason Reed's, the town of Winchester, the house of Joseph Knott, near the cañon, and at the house of Joseph Roberts, in the South Umpqua valley. By act of January 17, 1852, the county seat of Douglas county was fixed at the town of Winchester.

On the 9th of January, an act was passed creating the county of Jackson. The boundaries were described as beginning at the southwest corner of Umpqua county, thence due east to the northwest corner of Douglas county, thence southerly along the western boundary of Douglas county to the southeast corner thereof, thence in a southeasterly direction to the eastern extremity of Rogue river valley, thence due south to the boundary line between Oregon and California, thence west to the Pacific, thence northerly along the coast to the place of beginning. Election precincts were established at Port Orford, R. P. Daniels' store on Cañon creek, Long's ferry on Rogue river near the mouth of Applegate creek, and at Willow Springs in Rogue river valley.

The creation of this county and the establishment of voting precincts exhibited a degree of ignorance of its topography, which evidently proves that no member of the legislature had ever been in that section of the country. The district between Port Orford, on the coast, and Cañon creek, where placers had been recently discovered, was an unknown region; and the miners on Josephine and Cañon creeks had no more knowledge

of the existence of a settlement at Port Orford than the settlers of the latter had of the discovery of mines in the interior. The legislators, however, builded better than they knew. The discovery of the mines on Jackson creek and Rogue river in the same year rendered the creation of a body politic a great boon, as it relieved the miners and settlers from the necessity of executing their own laws.

The legislature at the same session granted one senator to the counties of Umpqua, Douglas and Jackson, and one representative each to the counties of Douglas and Jackson. It also passed an act uniting Umpqua, Douglas and Jackson counties in one judicial district, the court to be held in Umpqua county on the fourth Mondays of March and September.

The first election in Douglas county resulted in the selection of E. J. Curtis for the legislature; Solomon Fitzhugh, Probate Judge; Thomas Smith, Wm. T. Perry and John Danford, County Commissioners; Fleming R. Hill, Sheriff; A. R. Flint, Clerk; C. W. Smith, Assessor; and Caleb Grover, Coroner. The total vote was 163. At the election in Jackson county, John R. Hardin was elected Representative; L. A. Rice, Probate Judge; James Cluggage, Thomas Smith and Davis Evans, County Commissioners; Columbus Sims, County Clerk; W. W. Fowler, Treasurer; and John Walker, Coroner. Umpqua county elected Addison C. Gibbs to the legislature; while Levi Scott, of Umpqua county, was elected Councilman for the district.

Although county officers were elected in all the counties, in none of them was the machinery set in motion until the following year. The first court for the southern district was held at the house of Jesse Applegate, at Yoncalla, in Umpqua county, in accordance with the statute, on Monday, March 22, 1852. Hon. O. C. Pratt, Judge; J. W. Perit Huntington, Deputy Marshal; Jesse Applegate, Clerk *pro tem.* (S. F. Chadwick, the Clerk, being absent); and R. P. Boise, Esq., District Attorney *pro tem.* Twenty-one grand jurors were empaneled, with Lindsey Applegate as foreman. On the 24th, the grand jury reported that they had no business before them; and, as there was no civil business, the court adjourned.

The material prosperity of the Umpqua valley was very much increased during this year. Nearly every valley in the two counties was occupied by one or more settlers, many of whom were accompanied by their families, who had been able to reap a crop the previous harvest. At Winchester, the firm of Martin & Barnes had established a general merchandise store. Fendel Sutherlin advertised flour at fifteen dollars per hundred, and dry goods, etc., at his store on Deer creek, on the Donation claim of William T. Perry. Smith and Reed had erected a flouring mill on the North Umpqua, just above Winchester. Aaron Rose kept a hotel at Roseburg, in a frame building made of split boards; and there were many similar stopping places on the road to the mines, especially at the north and south end of the Umpqua cañon, Jump-off-Joe creek, Grave creek and the three ferries on the Rogue river.

The trade to the gold mines, and the saving in freight thereto from the Umpqua river, led to the establishment of many commercial houses at Scottsburg, the head of navigation. In 1852, the houses that dealt in general merchandise in Upper Scottsburg were: Duncan McTavish; George L. Snelling; Merritt, Oppenheimer & Co.; Wadsworth, Peter & Ladd; R. E. Stratton; Dunlap & Co.; Brown, Dunn & Co., who also owned a pack train conveying supplies to the mines; and Bradbury & Co. Dr. L. S. Thompson opened the pioneer drug store, and also owned a pack train. Hirstel & Co. dealt in tobacco and cigars. Levi, Kent & Co. established a tannery, and David Thompson a

harness shop. William Craize kept the hotel. In Lower Scottsburg, engaged in general merchandise, were A. German & Geo. Haynes; Chadwick, Hinsdale & Co.; Allen, McKinlay & Co., who brought the steamer *Washington* from the Columbia river as a transfer boat to run from the mouth of the river to Scottsburg; Burns & Wood; and Mr. Hogan. J. D. May kept the hotel. The legal profession was well represented by Stephen F. Chadwick, Addison C. Gibbs and Mr. Hartley. Hartley remained but a short time; and the two first-mentioned have filled the position of governor of the State of Oregon with credit to the state and themselves. The medical profession was represented by Drs. E. R. Fiske, J. W. Drew, E. P. Drew, L. S. Thompson and Theo. Dagan, all of whom served as surgeons in the Indian war of 1855–56, and also by Dr. Payne and Dr. Daniel Wells.

In addition to the trade from Scottsburg, pack trains were regularly making trips from the Willamette to the mines, with occasionally a wagon with an ox-team. In February, T'Vault & Co. advertised an express to run between Winchester and Shasta-Butte City (Yreka), touching at Rogue river, Smith river, Josephine creek, Klamath and Humbug creek, every two weeks. Soon after Crouch & McLaine started a similar express from Portland to Shasta and Humbug cities. The legislature had not been unmindful of the necessity of keeping up the communication between the Willamette valley and the southern portion of the territory, and on February 4, 1852, passed an act for a territorial road from Marysville (Corvallis) to Winchester; and Samuel Stars, George F. Hubert and Addison R. Flint were named as commissioners to locate such road. On January 19, 1852, an act was passed for a similar road from Winchester to the south line of the territory at or near Shasta-Butte City (Yreka). The commissioners named were Joseph W. Drew, Samuel Culver and R. P. Daniels. On the 12th of July, N. Coe, Special Agent, advertised for bids for carrying the United States mail from Cañonville, Douglas county, to Yreka, California, one trip in two weeks, but noted that proposals for a weekly service would be considered.

The principal cause of this commercial activity was the discovery of gold in the Rogue river valley. In 1851, the miners, coming from the mines at Yreka on their way to Josephine creek, had discovered gold in several portions of the valley, but not in sufficient quantities to detain them from the richer placers of Illinois river; but in January, 1852, James Cluggage and James Poole discovered, in Rich gulch, where the town of Jacksonville now stands, placers of extraordinary richness. This discovery at once caused a rush of miners to the valley; and as early as February there were about five hundred men prospecting Rich gulch and Jackson creek. This number was constantly increased during the year; and further discoveries were made on Rogue river and in different sections of the surrounding country. The climate and soil of the Rogue river valley, as well as the beauty of the surrounding mountain scenery, offered attractions to the agriculturist that were almost irresistible; and many immigrants, who started for the Willamette valley by the southern route, left it with regret on account of the hostile character of the Indians. In the fall of 1851, N. C. Dean took up his claim at the Willow Springs, a favorite camping-place on the Oregon and California trail. Later, Moses Hopwood settled near A. A. Skinner's place on Bear creek; Captain Thomas Smith, Patrick Dunn and Fred Alberding settled near the present site of Ashland; while Barrow, Russel and Gibbs took up the Mountain House claim at the foot of the Siskiyou Mountains; and several other settlers selected homes in the neighborhood of the first settlers.

Emboldened by the presence of the large number of miners in the country, a large number of immigrants, several of them having their families, selected Donation claims in different parts of the valley during the year 1852. As an evidence of the prosperity of the country, Samuel Culver and T. Thompson, on January 2, 1852, advertised for pasturage for stock for miners and travelers; and on the 15th of June, Dagan & Co. advertised an express, to connect with Adams & Co's Express at Portland, with agencies at all the principal towns and camps in the Umpqua, Rogue river and Shasta mines.

The Indians, suffering from the punishment inflicted by Major Kearney in 1851, were for a time deterred from any act of open hostility; but, after having learned that the treaty made with Governor Gaines was of no binding force and no profit to them, they availed themselves of every opportunity to waylay, rob and murder traveling parties, whenever they could dispose of their bodies in such a manner as to avoid discovery. Many a small party going to the mines from the Willamette valley, or returning thereto, were never heard from, whose loss may undoubtedly be attributed to the savages.

Later in the fall of 1851, a party consisting of Bowen, Moffit and Jones, with an employé named Boney Evans, who were taking a drove of hogs from the Willamette to Yreka, were attacked by the Indians about daybreak in their camp on Wagner creek, about one-half mile from the present townsite of Talent. Moffit and Evans were wounded; but Bowen escaped and reached a party encamped at the spring near where the Eagle mill now stands. This party consisted of Joseph Goodwin, Mr. Farmer, each with a wagon and team, Henry Klippel, the Fox brothers and Quiner. When Bowen arrived, they had not yet broke camp; but they immediately rushed to the relief of the party, taking one wagon for the wounded. On their way, they met the balance of the party. Moffit and Evans were placed in the wagon, the hogs were gathered, and the whole party proceeded south on their way to Yreka. The next day Moffit died, and was buried on the Siskiyou Mountain. The murderers were never captured.

In the spring of 1852, the Indians murdered a white man in Shasta valley; and about the first of June they became very saucy and menaced the settlers in Rogue river valley; and suddenly all disappeared from the settlements, a fact which indicated that a crisis was at hand.

General Jo Lane, who was then the delegate in Congress from Oregon, insisted upon the establishment of a military post in Rogue river valley, in which demand he was fortified by the report of Major Kearney, heretofore cited, as well as his own experience. At that time, the expense of sending troops overland from San Francisco was excessive; and the temptation to desertion through the mining region was so great that the commanding officer of the department made pretense of obeying his orders by sending troops to Port Orford, where they were quite as efficient for the purpose of controlling the savage warriors of Rogue river valley as if they had remained at the headquarters at Benicia. The result of this mismanagement is shown by the events that followed. In the early part of July, Geo. H. Ambrose, who had taken a Donation claim where Gold Hill station now is, and who was afterwards Indian agent, was so annoyed by the Indians in various ways, that he, with other neighboring settlers, appealed to the miners for protection.

In response to this petition, John K. Lamerick called for volunteers; and about eighty men immediately responded, and went to Ambrose's on the 16th of July. Shortly thereafter a party from Shasta valley, under the command of Elijah Steele, arrived in search of two Indian murderers, who were supposed to be secreted by the Rogue river



N. S. KELLOGG

SPOKANE FALLS, W.T.

band. A. A. Skinner, the Indian agent, knowing that an outbreak was imminent, strained every nerve to patch up a peace, which the troops gave him every opportunity to do. It was finally decided to have a peace talk with the chiefs and Indians on Big Bar, Lamerick's and Steele's forces to be present. Lamerick's forces moved up to the bar, where they found Steele's men already on the ground. About ten o'clock in the morning, an attempt was made to have a peace talk at the cabin on the bar. Skinner, Martin Angell, Chief Jo and others were endeavoring to get the Indians to the cabin for that purpose, all apparently acting in good faith. John Calvin, one of Steele's men, was also bringing a squad of Indians down the bar towards the cabin. One of these held back and refused to go. Calvin insisted and pushed him forward, when he turned and strung his bow in a menacing manner, at which Calvin shot him. Then the fight began, the Indians being all armed. There was no premeditation on the part of any one; but, after the firing of Calvin's gun, it was utterly impossible to check it. Chief Jo, Jim and Mary, Jim's wife, the daughter of Jo, were not fifty yards from the place where the firing commenced. They made no attempt to escape, and consequently were not injured nor molested; but, on the contrary, they were protected and taken to a place of safety. Chief Sam led the savages.

After the fight, a portion of Lamerick's men went down the river to Evans' ferry, where they had a slight skirmish with the Indians. From this place they went to Evans creek, where they attacked and routed a large Indian camp. The next day James Lackey, with a Klikitat Indian, located the hostiles on the north side of Rogue river, in what was then called "the Horseshoe," formed by two spurs of the lower Table Rock making into the river. It was at once decided to attack them at daylight next morning; and for this purpose it was arranged that Steele's men, with some of the settlers, should pass through the Willow Spring gap, thence east, crossing Rogue river about one mile above the mouth of Bear creek, at the first ford above Table Rock; and another party was sent over the Blackwell to remain on the north side of the river directly opposite to Sam's camp. Lamerick, with fifty men, crossed the river at midnight near the battle-ground of the day before, and moved up the river until he struck Sam's creek. From this point, Lieutenant Humphrey, with twenty-five men, was sent to take a position on the lower Table Rock to cut off the retreat of the Indians in that direction. Lamerick, with the remnant of about twenty-five men, moved up the north side of the river. It was understood that all the separate commands were to be at their appointed place by daylight. Lamerick's command arrived within a mile of Sam's camp fully an hour before daylight, where they dismounted and allowed their horses to graze. While here one of the picket guard fired his gun, which proved to be a false alarm; but at early dawn they were ordered forward. When about six hundred yards from Sam's camp, Lamerick, Lackey and Klippel, who were in advance, met an Indian coming towards them on the trail. Lackey fired at and missed him, when the company rode rapidly forward and took position on a little hill about one hundred and fifty yards in front of Sam's camp. Lamerick's force was on time, as was also the party on the south side of the river, opposite the Indian camp.

While waiting for the supports to come down the river, and to learn whether Lieutenant Humphrey had succeeded in getting onto the rock, an Indian ran the gauntlet and gained the rock, from which point for an hour he could be heard at intervals talking to the Indians below. All at once the Indian decamped, and in a few minutes Humphrey's command appeared on the top of Table Rock. Immediately upon the appearance of

Humphrey's forces, the Indians sent out two squaws, who came half-way between their camp and Lamerick's line, and said that Sam wanted two white men to come to him without arms and have a peace talk, or "close wawa." Lamerick refused to entertain the proposition. At this time, some of the Indians made a break to cross the river and get away, but were promptly checked by a volley from the troops on the south side. After waiting two or three hours longer, a detachment of about forty men made their appearance coming down the river. By this time the Indians became frantic in their appeals for a treaty. Lamerick was making preparations to attack; but the late arrivals, who were mostly composed of the farmers, seemed inclined to a treaty, in fact, were strong advocates of peace, claiming that the defenseless condition of their homes would place them at the mercy of the marauding savages. Lamerick, speaking for his company, said to them: "We came here at your earnest request. We have the Indians corralled and demoralized, and, with your help, can destroy them in one hour, which lesson will be the best guaranty of the safety of the valley." After considerable talk, it was finally decided to leave it to a vote as to whether a treaty should be made; and the vote resulted in favor of a treaty, the farmers voting unanimously for it, while Lamerick and his men did not vote.

In accordance with this decision, a treaty, so-called, was made and signed, by which the Rogue river Indians would have no communication with the Shastas, who had been in the habit of stealing horses and property in Shasta valley, and seeking protection with the Rogue rivers; that they should expect no more presents from the "Boston Tyee," the President of the United States, unless he wanted to give them (this referred to the demand of the Indians for the breach of the Gaines treaty); that the Whites should have the right to settle where they pleased and be secure and protected by their chiefs and counselors in their person and property; that all cattle in the valley belonging to the Whites should be safe from molestations from the Indians; that, if any property of any kind or description belonging to the Whites was stolen or destroyed by the Indians, and Sam, the chief, did not produce it in a given time, he was to be surrendered to the Whites to do with him as they thought fit, even to the taking off of his head. In fact, Sam would have promised anything while Lamerick had him "bottled up," and his life was worth only an hour's purchase.

The making of this treaty was a very grave mistake. The farmers stated their case in the strongest light, but were unacquainted with the character of the Indians with whom they had to deal. The Rogue river Indians were cunning, treacherous and cruel, and were never known to spare the white man when they had the advantage. Captain Lamerick, with his forces, had completely outgeneraled Sam, the war chief; and he and his warriors were entirely at his mercy. Had the farmers consented to the plans of Captain Lamerick, and had the hostiles been visited with the condign punishment they justly deserved, the supremacy of the Whites would have been established, without the aid of government troops; and the wars of 1853 and 1855 would never have occurred.

Captain Lamerick, on this occasion, proved himself not only a brave soldier, but an officer with sound judgment and a clear head, all of which he maintained in his subsequent conflicts with the Indians. Soon after the peace was made, on July 25th Captain Lamerick and his company were tendered a public dinner at Jacksonville by the citizens of the valley. There were present twenty-two ladies and about one hundred soldiers and citizens. D. M. Kinney, on behalf of the citizens of the valley, tendered thanks to Captain Lamerick

and his men for services performed, to which the captain responded in fitting terms. After which the following letter was read by the chairman:

"Indian Agency, Sunday Morning, July 25, 1852.

"*Gentlemen:* It is with extreme regret that, in consequence of the state of my health and other circumstances beyond my control, I am under the necessity of declining your polite invitation to be present at the public dinner tendered to Captain Lamerick and his company of volunteers, who, by their energy, perseverance and gallantry, have so speedily and successfully terminated the hostilities in which we were recently engaged with the warlike and wily savages of this valley. And though I cannot be present, permit me through you to assure Captain Lamerick, and his brave companions-in-arms, of my sympathy with patriotism and valor wherever exhibited. And allow me to propose the following sentiment: 'The citizens and miners of Rogue river valley: Quick to discover and prompt to repel danger: Worthy descendants of the heroes and patriots of '76.'

"Very respectfully,

"A. A. Skinner.

"Messrs. Fowler, Kinney and Miller, Com."

After many other toasts had been responded to, the dinner closed with an original ditty, composed and sung by Esquire W. H. Appler, which will be remembered by the pioneers present as long as they live. Space will not permit its publication; but the favorite verse began with the line "Table Rock is a pretty elevation," while the chorus was, "Rise, rise, ye Oregons, rise."

The loss of the Indians in the campaign was thirty warriors killed. On the side of the Whites, James Lackey was slightly, and a Klikitat Indian seriously, wounded. The effect was to establish the supremacy of the Whites, and to secure the safety of settlers and travelers for one year at least. It is not creditable to the United States government that the expense of Lamerick's and Steele's commands, amounting to several thousand dollars, was never paid.

The facts of this campaign, and the indorsement of the Indian agent, have been thus particularly described, for the reason that some writers, entirely ignorant of the situation, have grossly misrepresented the pioneers of Southern Oregon, and especially those of the Rogue river valley. Some have gone so far as to represent the majority of them as desperadoes, whose chief delight was in the slaughter of the Indians, regardless of age or sex. The exercise of a little common sense would show the absurdity of such a charge. The settlers were devoted to improving their claims and providing homes for their families, while the miners were engaged in a very lucrative occupation, in which a competency could be secured only by unremitted labor and attention. It is true that they were brave and gallant, as only such had the hardihood to endure the perils and hardships to be encountered to reach this "Promised Land." Many of these pioneers are still living, most of whom are the leading citizens of Oregon, Washington and California. It is also true that whenever danger threatened any portion of the new community, all were ready to rush to its defense, without regard to personal danger or pecuniary loss.

On these too-frequent occasions, there were men who, by their military ability and penetrating knowledge of Indian character, were quickly recognized as leaders. Among these were General Jo Lane, Colonel John E. Ross, Captain J. K. Lamerick, Captain Ben Wright and several others whose names will subsequently appear. These men gave

their services neither for glory nor money, but to secure to their beloved country the benefits of a christian civilization. In regard to the charge that the Indians were murdered for recreation, it is only necessary to say, that only those who never met these treacherous and implacable savages upon the warpath have given that designation to subduing the Indians.

Certain humanitarians contend that, as the Indians were deprived of their lands, they had a right to defend their property. The Congress of the United States, by act of September 27, 1850, commonly known as the "Donation Act," gave to any settler in Oregon, who would reside upon and cultivate the same, a certain quantity of land. It was not the fault of the settler that his title was not perfect; but it was a crying shame that the general government neglected to protect the settlers, whom by so large a bounty it had induced to build up a state. Not only did the government fail to provide troops for their protection, but has since failed to repay to the settlers the expense of defending themselves. The protection of the immigrants over the southern route, through the Piute and Modoc tribes of Indians, in what is known as the Lake country, had heretofore devolved upon the people of the Willamette valley; but the settlement of Jackson county imposed upon the citizens of that section the duty of protecting the incoming immigration of this year. The people of Jackson county were in perfect accord with those on the south side of the Siskiyou Mountains, as their interests were identical.

In the summer of 1852, a letter was received at Yreka from one of the incoming immigrants, stating that great suffering would ensue unless the train was supplied with provisions. Immediately upon the receipt of this information, a supply train was fitted out by the citizens of Yreka and committed to a company commanded by Charles McDermit, who at once proceeded to Lost river, at the point where the trail from Yreka met the Applegate trail to Southern Oregon. After passing Tule Lake, the company met a party of immigrants with a pack train bound for Yreka. Captain McDermit having seen no hostile Indians on his way, simply gave instructions as to the route, and proceeded to relieve the wagon trains. When the packers reached a narrow pass on the north side of Tule Lake, since named Bloody Point, they fell into an ambuscade of the Modoc Indians; and all were killed except a man by the name of Coffin, who cut the pack off a horse, and, mounting it, succeeded in reaching Yreka, where he gave the alarm. Ben Wright was sent for at once, and quickly organized a company of about thirty men, well supplied with horses, arms and provisions, who lost no time in proceeding to the scene of the massacre.

The news of the slaughter of the pack-train party was received in Jacksonville in the evening; and the next morning a company of thirty men, under the command of Captain John E. Ross, left for the protection of the immigrants. Captain McDermit, entirely ignorant of the events taking place behind him, continued to advance, meeting the first wagon train at Black Rock, with which he sent three men to show the route and select camping places. Upon reaching the scene of the late murder, the three guides rode without suspicion into the same ambuscade, and were killed. The men of the train, which had been delayed by accident, hearing the firing, made a barricade of their wagons, and kept the Indians at bay until the arrival of Ben Wright and his company. Wright, upon seeing the situation, suddenly charged upon the Indians, who fled and attempted to reach their boats, but were intercepted by the volunteers, who, riding through the *tules*, killed them without mercy. The number of Indians killed was about forty. Captain Ross, with his



FRANCIS FLETCHER,
YAMHILL CO., OR



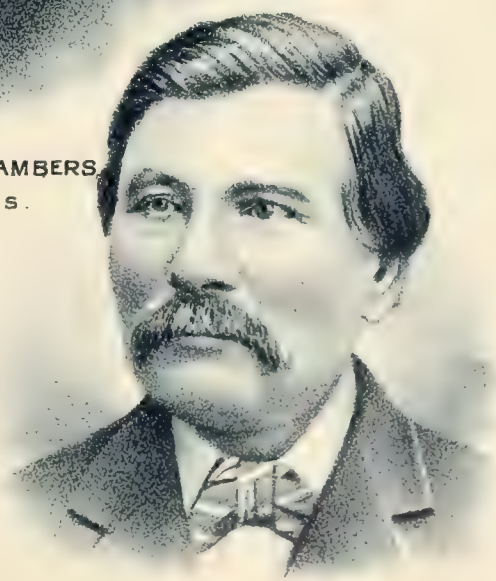
MRS. E. THOMPSON,
YAMHILL CO., OR.



MRS. MARY A. CHAMBERS,
NEE HARRIS.



M. R. HATHAWAY,
VANCOUVER, W. T.



NAPOLEON Mc GILVERY,
VANCOUVER, W. T.

company, arrived soon after; and several days were spent in a search for the bodies of the murdered immigrants. Twenty-two bodies were found and buried by Wright's company. Captain Ross buried fourteen, among whom were several women and children, all of whom had been mutilated beyond recognition. Captain Ross advanced to meet the immigrants, and detailed a guard for each train until it was beyond danger, the company returning home with the last of the immigration. Captain Wright, with a part of his command, returned to Yreka for supplies, being determined to inflict signal punishment upon the treacherous murderers.

Major Fitzgerald, with a company of U. S. dragoons, who had been ordered to assist in the punishment of the Indians, rendered signal service, not only in protecting the immigrants, but in forcing the Indians to take refuge upon an island in Tule Lake. After the immigrant trains had all passed, the major returned to his quarters at Fort Jones, near Yreka. When Wright returned with supplies to his camp on Lost river, he was fully prepared to meet the savages with their own tactics. He had with him, and devoted to his service, two Indians named Charley and Enos. He had also secured the services of five Shastas, who were at war with the Modocs, and a Modoc squaw named Mary, who had been sent into Yreka as a spy, but who forgot her allegiance to her tribe. Upon reaching his camp on Lost river, Captain Wright secured a boat to keep guard over the island, while the Shastas, under the direction of Mary, found and destroyed all their winter store of provisions, which were cached near the borders of the lake. When their winter supplies were gone, this being about the first of November, 1852, the Modocs, for the first time, offered to make peace. Wright accepted their offer, and invited them to come to his camp for a feast. About fifty warriors, with their squaws, accepted the invitation, which they could not well refuse, as they were on the border of starvation. At this time, Lost river was very low, while above the river bottom was a terrace, upon which Wright's company bivouaced. Upon the river bottom the Indians set their lodges; and it was on this grassy plain that the Whites cooked and feasted with the Indians, both parties leaving their arms in camp.

It was Wright's object to obtain the valuables stolen from the murdered immigrants, and also to secure the chiefs, Sconchin and Curley-headed Doctor, as hostages for peace in the future; but Sconchin was too wily a rascal to be caught in this way. He, while pretending to consider the matter, formed a plan to surprise and slaughter the Whites. Wright, having been informed of this treachery through his Indians, sent six of his men across Lost river to prevent the retreat of the Indians in that direction, and then attacked them as they were scattered around their camp-fires. None of the Indians escaped except the chiefs, Sconchin and Curley-headed Doctor, who were supposed to have left before the attack was made. Wright had nineteen men, including the two Indians. He had three men severely wounded, Isaac Sandback, Poland and Brown. The loss of the Indians was forty-seven warriors. Captain Wright has been accused of treachery and violation of the laws of civilized warfare; but no apology is necessary for the men who had lately buried the mutilated bodies of murdered helpless women and children; and the taking of an adequate revenge upon these implacable savages was a lesson deserved and imperative. Upon their return to Yreka, Captain Wright and his company were received with honors which they richly deserved.

Upon the coast, the new settlement at Port Orford did not meet with the success its founders anticipated, which chiefly depended upon finding a road or a trail directly to the mines. Attempts were made by Lieutenants Stoneman and Williamson, of the U. S.

Engineers, during this year, to find such a route; but they only succeeded in reaching the Big Bend of Rogue river, from which point it was reported that a good road could be found "through the broad and handsome valleys of Rogue river." The fact is, that from this point to the old Oregon and California wagon road, the *valley* of the river is a succession of almost inaccessible mountains. Colonel T'Vault reported in February that Grave creek, which is a tributary of Rogue river, emptied into the Coquille, thus affording an easy grade to Vannoy's ferry, within a distance of ninety miles. The topography of this rugged country was at that time entirely unknown to the Whites; and it was not until 1856 that a feasible route from the bend by the way of the valley of Illinois river was accidentally discovered by Captain A. J. Smith, too late to be of any commercial advantage to Port Orford.

An additional drawback to the success of the venture was the loss of Captain Tichnor's steamer *Sea Gull* on the 26th of February, 1852, in Humboldt Bay, all the passengers being saved. The regular mail steamers from San Francisco to Portland refused to stop at Port Orford, as they were not pecuniarily interested in the townsite, which added much to the difficulty of carrying on trade at that point. Captain Tichnor, with his wife and family, arrived and settled on his Donation claim on the 9th day of May. On the 2d of January, 1852, the three-masted government schooner *Captain Lincoln* left San Francisco with troops and provisions for Port Orford. She is reported to have sprung a leak shortly after leaving port; and, after repeated attempts to reach Port Orford, the captain was compelled to run her ashore eighteen miles south of the mouth of the Umpqua. Fortunately, no lives were lost; and the cargo was all saved in a damaged condition. Lieutenant Stanton, who was in command of the troops camped upon the beach at the scene of the wreck, detailed a party to seek a trail to Port Orford; but it soon returned with the report that such a route was impracticable, on account of the steep and rugged hills that flanked the coast, while the truth was that there was an almost level wagon road from the camp to Port Orford, the only obstruction being in the crossing of the rivers. On the 18th of May, the schooner *Nassau* took the cargo of the *Captain Lincoln* to San Francisco, whence the detachment reached Port Orford without difficulty. During the stay of Lieutenant Stanton on the coast near Coos river, he had several difficulties with the Indians, which he promptly suppressed by punishing several of the ringleaders, one of whom escaped with the irons on him and was never heard from.

While Port Orford was under a cloud, the seaports on the Umpqua river were rapidly increasing their trade, especially the town of Scottsburg, by reason not only of the increase of settlers in the counties of Umpqua and Douglas, but by the discovery of the new mines in Jackson county. There is one incident that occurred on the river that is worthy to be recorded, as it goes to contradict the saying, "of the Federal officers, few die and none resign." On the 21st of December, 1852, Collins Wilson, Collector of Customs at the mouth of the Umpqua, tendered his resignation to Secretary Corwin, by whom he had been appointed. The surprise occasioned by such action is somewhat lessened by the reasons he gave therefor. In his letter he says that he had to do his own cooking and washing, cut his own firewood, and board vessels by himself; that he had lived alone for months, with no one within six miles of him; and, besides which, he had received no pay. His resignation was accepted. A. C. Gibbs was appointed his successor; and the office was removed to more hospitable quarters at Gardiner.

The winter of 1852 was a very severe one, not probably as severe as the winter of 1850, but certainly the worst that had been experienced since white men had settled in

Southern Oregon. The mountains of California, north of Redding, were so blockaded by snow as to prevent the passage of pack trains to the mines in Northern California. The people of Jackson county were dependent entirely upon the supplies brought from the Willamette or Scottsburg; and, when the unexpected storm came upon them, the supply of provisions was entirely inadequate. Snow fell at Jacksonville to the depth of three feet, and lay upon the ground for more than four weeks; while, for a long time after the snow disappeared, high water offered an equal obstruction to travel. During this time, the citizens and miners suffered severely. The supply of flour was soon exhausted; and many persons lived on "beans straight" for the whole period. Salt was also extremely scarce, and was issued only to the sick, in about the same quantities that the physician gives quinine to his patients in malarious countries. Starving cattle, horses and mules were killed for the relief of the suffering people. The first relief was furnished by B. F. Dowell, who brought into Jacksonville a pack train loaded with flour, after surmounting obstacles that few had the hardihood to undertake. The people of the Umpqua valley were better provided with wheat and flour. The storm was not so severe in that section; and their principal suffering was caused by the increased prices of the necessaries of life.

Chapter XLV.

(1853.)

Judge Deady's First Term—Trial of Joseph Knott—Murderous Savages—Settlers and Miners Assassinated and Robbed—Securing Arms—Direful Fate of White Victims—Volunteers Called For to Protect the Settlements—Heroic Response — The First Skirmish — Jackson County Appeals to the Governor of the Territory—General Lane Besought to Help His Fellow Citizens—His Prompt Response — Nesmith and Grover Volunteer—Indians Captured — Perfidy of Surrendered Savages — Combination of Indian Tribes to Exterminate the Whites — Fortified at Table Rock — Pursuing the Savage Warriors — Fatal Conflicts — General Lane in the Field Ahead of His Commission — Energetic and Successful Prosecution of the War—A Pitched Battle — Colonel Alden and General Lane Wounded — Surrender of the Indians—Flags of Honor — General Smith's Heroic March — Treating for Peace — General Lane and Ten Unarmed Negotiators Threatened with Base Murder — Conclusion and Terms of the Treaty—Retaliatory Depredations—Protecting the Immigrant Trains—Fighting on the Overland Trail — Conduct of the Treaty Indians — Ill Treatment of the Volunteers by the National Government—Pony Expresses —Mines and Mining—Other Industries—First Courts in Jackson and Douglas Counties — Murderers Hanged — More Indians Punished — Many Settlers Assassinated by the Savages—Discovery of Gold—The Coos Bay Company and Settlement.

WITH the opening of the spring of 1853, the prospect for the future of Southern Oregon was very encouraging. Settlers had occupied nearly all the valleys in the three counties, and were prepared to put in crops, while the placer mining in Jackson county, as well as in Northern California, yielded large returns. The trade of Scottsburg consequently rapidly increased. On March 29th, the Pacific Mail steamship *Fremont* entered the Umpqua river, bringing one hundred and fifty tons of freight; and on the same day the schooner *Fawn* brought two hundred tons. The *Fremont* was billed for semi-monthly trips.

At the June election in 1853, the vote was as follows: *Jackson county:* Total vote, 1191. Representatives, George H. Ambrose, John F. Miller, Chauncey Nye; Probate Judge, Thomas McF. Patton; County Commissioners, Martin Angell, B. B. Griffin and John Gibbs; County Auditor, C. S. Drew; Sheriff, William Galley; County Treasurer, Dr. E. H. Cleveland. *Douglas county:* Total vote, 306. Representative, Wm. J. Martin; Probate Judge, Sol. Fitzhugh; County Commissioner, Sam B. Hadley; Sheriff, Elijah Perry; Assessor, H. Iles; Coroner, R. P. Daniels; Prosecuting Attorney, Columbus Sims. *Umpqua county:* Total vote, 223. Representative, Dr. L. S. Thompson; County Commissioners, Wm. H. Wilson and Ebenezer Stephens; Probate Judge, Isaac N. Hall; Sheriff, J. A. Knowles; Treasurer, W. W. Wells; Auditor, Jos. L. Gilbert.



HON. JAMES H. RINEHART,
SUMMERVILLE, OR.

The second term of the U. S. District Court was held at Scottsburg on July 29th, Judge M. P. Deady presiding. Mr. Deady had recently been appointed District Judge by President Pierce, and had been assigned to the Southern Oregon District. This was his first term. The occasion was made remarkable from the fact that the first case of homicide in the district was tried at that time,—the case of *The Territory* vs. *Joseph Knott*. The tragedy occurred at Winchester, upon election day, and produced intense excitement throughout the thinly settled community. There was even talk of lynching the accused; but this was promptly suppressed by the better class of citizens and the efforts of Sheriff F. R. Hill, who was a brother of the victim. The territory was ably represented by C. Sims, Prosecuting Attorney, B. F. Harding, United States Attorney, and George K. Sheil. On the part of the defense appeared ex-Judge O. C. Pratt, R. E. Stratton, A. C. Gibbs and S. F. Chadwick. The trial resulted in a verdict of acquittal of the defendant. This case proves more strongly than any other circumstance that even at this early day the people of Southern Oregon were a law-abiding people.

The trade from Scottsburg and the Willamette valley with the mines in Jackson county and Siskiyou, which was principally carried on by pack trains, was very profitable during the early part of the summer, and was still further encouraged by the fact that Major B. Alvord was at the time engaged in locating an United States military wagon road from Myrtle creek to Camp Stewart, in the Rogue river valley, upon the completion of which it was confidently expected that the wagon train would supersede the present expensive mode of conveyance. The Indians, since the fight at Big Bar, had been very quiet, with the exception of the Grave creek band, under the command of Chief Taylor. Early in June, it was ascertained that a party of seven men, who were engaged in mining on Rogue river near the mouth of Gallice creek, had mysteriously disappeared. Chief Taylor volunteered the evidence that they had been drowned in the winter's flood; but, as Taylor was found in possession of their gold dust, he and several of his band were arrested by Captain Bates and a company of miners, were duly tried and convicted of murder, and were accordingly executed. Before their execution, the Indians made a full confession of their guilt, and boasted of the manner in which they had tortured their victims. Bates and his company made a war of extermination upon this band, but were only partially successful. The survivors concealed themselves in the mountain fastnesses, from which they could watch the trail, and often murdered and robbed a lone prospector, while they dared not attack a party of three or four. Early in the summer, two miners were killed on Cow creek, and their cabin robbed, probably by these renegades.

Aside from the trouble with the Grave creek band, which was not formidable, no difficulty was anticipated with the tribes in the Rogue river valley, who had up to this time professed the greatest friendship for the Whites. In fact, they had so ingratiated themselves with the miners and settlers that the latter willingly traded their arms and ammunition for venison, for which they had no time to hunt. In all this, the treachery of the blood-thirsty savages was fully disclosed. Having provided themselves with what they deemed a sufficient supply of military stores, their conduct suddenly changed; and from being friendly and subservient, they became sullen and arrogant. Tipsu, the chief of the tribe at the foot of the Siskiyou Mountains, with whom the settlers had made a treaty in the previous year, insisted that they must leave his country; and, as it subsequently appeared, the Klamath, Shasta and Rogue river Indians had already formed a league for the extermination of the Whites. The settlers in the upper part of the valley, fearing trouble, were making a hasty organization, when they were anticipated by a general

outbreak of the Indians. But few men in the country were prepared for such an attack; and a large majority were without arms or ammunition. The first notice the settlers had of the outbreak was the murder, on the 4th of August, of a farmer named Richard Edwards, who resided about five miles from Jacksonville. The Indians had entered his cabin in his absence; and, upon his return, he was shot with his own gun through the spine, after which his head was nearly severed from his body with an ax, and an attempt made to cut his throat with a dull knife.

Upon the return of the coroner's jury from the scene of the murder, a meeting of the citizens was held at the Robinson House in Jacksonville; and the work of organizing military companies was at once begun. On the day of the murder of Edwards, several haystacks were burned in different parts of the valley, a yoke of oxen belonging to Mr. Miller were killed near Jacksonville, and the house of William Kahler entered and rifled of its contents. On the following morning, the cabin of Mr. Davis was broken open and robbed; and in the evening, Mr. Davis and Burrel B. Griffin were fired upon by the Indians and both wounded by arrows, the former in the thigh and the latter in the shoulder. About nine o'clock on the night of the same day, a report of a gun was heard in Jacksonville, accompanied by a cry of "murder." Several of the citizens armed themselves and rushed to the rescue. Upon arriving at the spot, Thomas J. Wells, a merchant of Jacksonville, was found shot through the lower part of the body, and died shortly after. A strong guard was established around the town to prevent surprise. On the next day, Rhodes Nolan, who had been acting as one of the town guards, was shot and killed as he was entering his cabin on Jackson creek. The citizens, who had been preparing for a skirmish, upon receiving intelligence of his murder, immediately started for the scene, and soon returned with a captured chief, who was quickly mustered to an oak tree; and during the day three others were hung beside him.

On the night of the 5th, W. K. Ish and Mr. Davis were sent to Fort Jones for assistance; and to their appeal Captain Alden and the people of Yreka and vicinity quickly responded. At the same time, August 6th, the settlers in the upper part of the valley went to interview the band commanded by Tipsu. Upon their arrival at the camp, they were met by a volley from the Indians; and a brisk skirmish ensued, in which Andrew J. Carter and Patrick Dunn were wounded, the former having his right arm broken below the elbow, and the latter receiving a gunshot wound in the shoulder. The loss of the Indians was never clearly ascertained; but it is known that five were killed and several wounded. The Whites captured the women and children of the rancheria, and took them to the farms of Alberding and Dunn as hostages, they having erected a stockade to prevent an assault. The situation of the women and children of the settlers upon the outbreak was really deplorable. Their husbands were all needed for the public defense; and their little accumulations, together with the heirlooms they had brought across the plains, had to be abandoned to the mercy of the savages. Many of the families came to Jacksonville. Those on the lower Rogue river congregated at T'Vault's (Fort Dardanelles), N. C. Dean's, Willow Springs, Martin Angell's, and in the upper part of the valley at Jacob Waggoner's. All of these places were fortified and well guarded.

Captain J. K. Lamerick, with a company of forty men, was stationed at Willow Springs. On the 7th, several of the company, about a dozen in number, went to Jacksonville, and towards evening started to return to camp. John R. Harden, late representative of Jackson county, Dr. Rose and another were riding by themselves, while T'Vault and the rest of the party had taken another road. About a mile from

camp, the three were fired upon by Indians in ambush. Dr. Rose was instantly killed, and Harden shot through the hips by a rifle ball; but the third man was not wounded. Harden kept his horse until the rest of the party, who heard the firing, came up, and lived eleven hours, suffering the most intense agony. The party came in for help, and upon their return found Dr. Rose's body stripped, his throat cut in two places, one eye gouged out and his person horribly disfigured. He had about six hundred dollars, which with his horse was stolen. As soon as any dwelling was left unprotected, it was burned, and its inmates, if any, murdered. During the first week of the outbreak, ten houses were burned between Jacksonville and Fort Dardanelles.

The promptness with which the residents volunteered is deserving of great praise. In Jackson county alone, six companies were raised at once. They were respectively commanded by Captains J. K. Lamerick, John F. Miller, R. L. Williams, E. A. Owens and W. W. Fowler. The latter's company was raised especially for the protection of the women and children who had taken refuge in Jacksonville. The muster-rolls of these gallant soldiers will be published in another volume of this history.

The appeal to Captain Alden, of Fort Jones, and the people of Yreka and Scott's valley, was very promptly responded to. Captain Alden immediately left Fort Jones with ten men, all who were available at the post at that time, bringing fifty muskets and a supply of cartridges. Captain Jas. P. Goodall, of Yreka, with a company of ninety men, and Captain Jacob Rhodes, from Humbug creek, with a company of sixty, followed very shortly after.

The Board of County Commissioners of Jackson county acted as a Committee of Safety, and on the 14th of August directed a communication to the Governor of Oregon, of which the following is a copy:

"At a meeting of the Board of Commissioners, I am instructed to inform you that war exists between us and the Indians of this valley, who are, as we are informed, in league with the Indians of Klamath Lake, Snake river, and with the Shasta Indians, for the purpose, as they affirm, of the extermination of the Whites of Rogue river valley. They have already killed and wounded several of our citizens, killed our cattle and destroyed our dwellings. Captain B. R. Alden, Fourth U. S. Infantry, from Fort Jones, Scott's valley, with a small detachment, is here by request. He has enrolled two companies of volunteers, and, in obedience to the wish of our citizens, taken the command. We would request your Excellency to procure from Fort Vancouver one small howitzer, together with some small arms, and enroll a sufficient number of men to guard them through. (Signed.) Geo. Darr, Secretary Board of Commissioners. Edward Shiel, President." On the back of this letter was the following indorsement: "I consider it very requisite that a howitzer, with ammunition, fifty muskets and some three thousand rounds of ammunition, be sent to the valley. B. R. Alden, Captain Fourth Infantry."

This communication was forwarded by Mr. S. Ettlinger, who made the trip to Salem, on horseback, in four days. Mr. Ettlinger was accompanied to the house of General Lane, near Winchester, by I. B. Nichols and James Cluggage, who carried to the general an urgent appeal for his presence and help. The general received the message at one o'clock in the morning of the 17th; and before noon he proceeded to the seat of war, and on his journey secured many volunteers, who were his old friends, and who had confidence in his military ability. As the general had just been elected a delegate to Congress, and was at the time of receiving news of the outbreak preparing for his journey to Washington, it was not remarkable that the gallant men who accompanied him esteemed him for his love

of his adopted state, as well as his self-sacrifice. The result of Mr. Ettlinger's mission was very successful. Governor Curry issued a requisition, through General Palmer, Superintendent of Indian Affairs, upon Colonel Bonneville, in command of the United States garrison at Vancouver, which was very promptly responded to; and, as an instance of the lack of red tape, it is proper to copy his letter:

"Headquarters Fourth Infantry,
"Columbia Barracks, August 24, 1853.

"*Sir:* Lieutenant-Colonel Bonneville has this moment received your communication of yesterday, requesting that a howitzer, and a sufficient force to work it, may be sent to the seat of the Indian difficulties. He desires me to inform your Excellency that he has already sent a howitzer with its caisson, containing a good supply of ammunition, under charge of an officer and six men. The men are acquainted with the artillery drill, and are very competent to work the howitzer. Lieutenant Kautz has charge of the party, and will expect a volunteer force to escort him to the seat of difficulties.

"THOMAS R. CONNELL,
"Adjt. Fourth Inf., Brvt. Capt. U. S. A.

"Hon. Geo. L. Curry,
"Acting Gov. of Oregon."

The request for an escort was promptly responded to. Under the proclamation of Governor Curry, a company of forty men at once enlisted, of which the officers were: J. W. Nesmith, Captain; L. F. Grover, First Lieutenant; Wm. K. Beale, Second Lieutenant; Dr. J. C. McCurdy, Surgeon; J. M. Crooks, Orderly Sergeant. These men did gallant service, as will hereafter appear.

In the meantime, the citizens of Rogue river valley were left to defend themselves. About a week after Dunn and Carter, with their party, had captured the women and children of Tipsu's band, Sambo, a son of Tipsu, came with his warriors, numbering about fifteen, into their camp and surrendered. They were received in good faith and provided for. Several families were at this station at this time, including those of Fred Heber, Asa Fordyce, Samuel Grubbe, Isaac Hill and Robert Wright, besides a number of single men. The Indians were not watched, full credit being given to their professions of friendship. On the morning of the 17th, they made an attack upon their protectors, instantly killing Hugh Smith, and wounding John Gibbs, Wm. Hodgkins, Brice Whitmore, Morris Howell and B. Morris, and then made their escape. Gibbs died soon after at the stockade at Waggoner's, where the Whites moved for protection. Hodgkins expired while being moved to Jacksonville, and Whitmore a few days after reaching the hospital at that place.

The first business of the volunteers was to ascertain the locality of the main body of the Indians. Scouting parties soon found that their stronghold was their position of the year before, near Table Rock, to which they had added fortifications with considerable skill. They numbered at least three hundred warriors, commanded by Joe, Sam, Jim and several other minor chiefs; and all were defiant and aggressive, pledging themselves to a war of extermination. The tribes of Chiefs John and Elijah were known to be somewhere on Applegate creek, to the south and west of Jacksonville, and therefore very dangerous to the safety of the town, if an advance was made to Table Rock, which was nearly north. To ascertain the force of these Indians, and to drive them from their position, if possible, Lieutenant B. B. Griffin, of Company A, and Captain J. F. Miller, with a detachment of twenty-five men, were ordered to march on the morning of June 10th. The Lieutenant



HENRY STOVER,
PENDLETON, OR.

proceeded to Sterling creek, where he destroyed the rancheria of Chief Elijah after a slight skirmish, in which Sergeant George Anderson was wounded in the hip. Following down Sterling creek the next day to the main Applegate, a short distance above the mouth of Williams creek, an Indian trail was struck, which was vigorously followed up Williams creek until about a mile from its mouth, when the attacking party was suddenly ambushed by the Indians under Chief John. At the first fire, Private Francis Garnett was killed. The company made a gallant fight for some time, but being greatly overmatched, and the Indians being concealed, they were compelled to retreat, leaving the field to their enemies. Lieutenant Griffin was shot through the leg by a rifle ball. The Indian loss was afterwards reported as being five killed and wounded.

Upon the arrival in the valley of Captain Alden with his few regulars, and the California volunteers under Captains Goodall and Rhodes, the Oregon volunteers, by order of Colonel Ross, united with them; and all were encamped on Bear creek, which was called Camp Stuart. At the unanimous request of the volunteers, Captain Alden assumed command of the forces, which numbered about three hundred men. It had already been ascertained that the Indians had abandoned their position on the south of Table Rock and taken another, five or six miles north of the rock, in a cañon of dense brush. About the 15th of August, the forces proceeded to give them battle. Captain Hardy Elliff, with his command, was ordered to their rear to bring on an engagement, when the main force was to charge them in front. When the troops arrived on the ground, the Indians were nowhere to be found, having moved their camp several days before.

First Lieutenant Ely, of Captain Goodall's company, with a picked company of twenty-two men, was sent in search of the Indian camp, while the main force returned to Camp Stuart for the purpose of obtaining supplies to pursue the Indians into the mountains. On the morning of the 17th, Lieutenant Ely discovered the Indians about ten miles north of their last camp, upon the right-hand fork of Evans creek. He immediately fell back to an open prairie interspersed with small washed gullies bordered with willows, sent two men to headquarters announcing the situation, and determined to hold his position with his twenty men until the arrival of the main body. In the meantime the Indians, availing themselves of the shelter of the gullies and brush, crawled up and commenced an attack at a distance of thirty yards, killing two men at the first fire. Lieutenant Ely immediately withdrew his men a distance of two hundred and fifty yards to a ridge covered with pine trees, with a prairie in front, but elevated ground in the rear. In this position the Indians flanked and surrounded them. In this position this gallant little band fought, without flinching, an overwhelming number of Indians for three hours and a half, when John D. Cosby, with five men, the advance of Goodall's company, arrived on the ground. On seeing the reinforcement, the Indians precipitately fled, carrying off eighteen horses and mules, with their caparisons, blankets and camp equipage. The loss in Ely's command was: killed, J. Shane, P. Keatin, Sergeant Frank Perry, A. Douglass, A. C. Colburn and L. Stuckling; wounded, First Lieutenant Ely shot through the wrist, John Albin, James Carrol and Zebulon Shutz, all slightly. The entire force again returned to Camp Stuart to care for the wounded and to obtain supplies.

On Sunday morning, August 21st, General Jo Lane, with his friends, arrived in camp, when Captain Alden at once tendered him the command. Governor Curry had already appointed General Lane Brigadier-General of the volunteers; but the general was much

in advance of his commission. The general promptly accepted the position; and the next morning at sunrise the whole force was en route. The battalion under the command of Colonel Ross, consisting of the companies of Captains Miller and Lamerick, with the Umpqua volunteers, were ordered to go down Rogue river to the mouth of Evans creek, thence up Evans creek until they found the Indian camp, which they were to attack at once. If they failed to find the enemy, they were to proceed until they met the other battalion under the command of Captain Alden. The events of this short campaign cannot be better represented than by the dispatch of General Lane to Brigadier-General Hitchcock, then in command of the Department of the Pacific:

"On the 17th of August, I received information, at my residence in Umpqua valley, that the Rogue river Indians, assisted by the Klamaths, Shastas, and with the bands living on Applegate and Grave creeks, had united and attacked the settlements in the Rogue river valley near Jacksonville; that a number of persons had been killed, a large amount of stock killed or driven off, houses and grain burned; and that companies were being formed for the defense of the settlements, and for the purpose of a general war upon the Indians. I promptly notified the citizens of the neighborhood, and advised with Major Alvord, who was then present engaged in the location of the road from Myrtle creek to Camp Stewart, and immediately proceeded, accompanied by Captain Armstrong, James Cluggage, I. B. Nichols and some ten others, to the scene of hostilities. On the 21st, I arrived at the headquarters of our forces on Stewart creek, where I found Captain Alden, Fourth Infantry, who had promptly, upon the first information being received by him at Fort Jones, on Scott river, repaired to Jacksonville with ten men of his command, all who were fit for duty, and forthwith proceeded to take energetic measures for an active and effective campaign, by appointing four commissioners of military affairs, and mustering into service all the volunteers for whom arms could be procured. His force on my arrival consisted of companies under Captains Goodall, Miller, Lamerick and Rhodes, commanded by Colonel John Ross, the whole under the command of Colonel Alden. These troops had been actively engaged in scouring the country in all directions, and had succeeded in driving the main body of the Indians to their strongholds in the mountains. Pack trains were being collected in view of an extended pursuit of the Indians; and all other preparations were being made with the utmost dispatch.

"At the request of Colonel Alden and the troops, I assumed the command of the forces, and on the 22d, at four o'clock A. M., left camp for the mountains, having divided the command into two battalions, in order better to scour the whole country. One battalion, composed of Captains Miller and Lamerick's companies, under the command of Colonel Ross, were directed to proceed up Evans creek, which empties into the Rogue river from the north, and continue on, if no traces of the Indians were found, until the two detachments should meet at a point designated, but, if the trail was found, to follow it and bring the Indians to battle. At the head of the other battalion, composed of Captains Goodall's and Rhodes' companies, commanded by Colonel Alden, I proceeded by the way of Table Rock, in the direction of the point designated on Evans creek. After advancing about fifteen miles beyond Table Rock, I discovered the trail of the Indians, and encamped upon it.

"I took up the line of march early next morning, and followed the trail with great difficulty, the Indians having used every precaution to conceal it. The country was exceedingly mountainous, and almost impassable for animals; and as the Indians had fired the country behind them, the falling of the burning timber and the heat delayed

our progress, while the dense smoke prevented us from ascertaining with certainty the face of the country. About noon we came to the place at which they had encamped a few nights before, by the side of a stream in a dense forest. Here they had killed a mule and a horse they had captured in a battle some days previous, and used them for provisions. From this point, we had more difficulty in finding the trail, it having been carefully concealed, and the mountains lately fired; but, after some delay, we again struck it. Late in the evening, we came to the main fork of Evans creek, now called Battle creek, where we came to a spot at which the Indians had again encamped. Beyond this, all trace of the Indians seemed to be lost; and, after searching in vain for the trail until dark, we were forced to encamp. The valley was very narrow, and almost entirely covered with an impenetrable thicket of vine maple, leaving scarcely room for the men to lie down on the bank of the creek. The animals were closely tied to the bushes, there being no grass or forage of any kind.

"The command was ready to move at daylight. A party on foot early discovered the trail; and, after cutting out the brush for nearly a quarter of a mile, we succeeded in reaching it with the animals. About a mile farther up we crossed Battle creek, and ascended a high, steep mountain which forms the dividing ridge of the numerous branches running into the Rogue river. This part of the country had not been fired. About nine o'clock A. M., we arrived at another Indian camp on the ridge, at a spring very difficult of access, on the side of a mountain. On leaving this camp, we found that the woods had been recently fired, which induced me to believe that the Indians were not far in advance of us. About a half mile from the spring, as I was riding slowly in front, I heard the crack of a rifle in the direction of the enemy. I proceeded to a point commanding the rapid descent of the trail from the mountain, and, halting, could hear persons talking in their camp about four hundred yards distant, in a dense forest thick with underbrush, which entirely obstructed the view. As the troops came up, they were ordered in a low voice to dismount, tie their animals and prepare for battle.

"Colonel Alden, at the head of Captain Goodall's company, was directed to proceed on the trail, and attack the enemy in front, while a portion of Captain Rhodes' company was directed to follow a ridge running to the left of their trail, and turn their flank. Colonel Alden proceeded to engage them in the most gallant manner, his well-directed fire being the first intimation of our approach. It being found impracticable to turn their flank, Captain Rhodes at once engaged them on their right. The men were deployed, taking cover behind the trees; and the fight became general. I was delayed a few minutes on the hill, for the arrival of the rear guard. These were dismounted, and, all except fifteen men, I immediately led into action. On arriving on the ground, I found Colonel Alden, who had been shot down early in the fight, dangerously wounded, in the arms of his faithful sergeant, and surrounded by a few of his own men. The battle was now raging with great fierceness, our men coolly pouring in their fire, unshaken by the hideous yells and warwhoops of the Indians, or by their rapid and more destructive fire.

"After examining the ground, and finding the enemy were securely posted behind trees and logs and concealed by underbrush, and that it was impossible to reach them except when they carelessly exposed their persons in their anxiety to get a shot at our men, I determined to charge them. I passed the order, led forward in the movement, and, when within thirty yards of their position, received a wound from a rifle-ball, which struck my right arm near the shoulder-joint, and, passing entirely through, came out near the point of the shoulder. Believing at the time that the shot came from the flank, I ordered our

line to be extended, to prevent the enemy from turning our flank, and the men again to take cover behind trees. This position was held for three or four hours, during which time I talked frequently with the officers and men, and found them cool, and determined on conquering the enemy. Finding myself weak from loss of blood, I retired to the rear, to have my wound examined and dressed. While here the Indians cried out to our men, many of whom understood their language, that they wished for a talk; that they desired to fight no longer; that they were frightened and desired peace. Mr. Tyler was dispatched by Captain Goodall to inform me of the desire of the Indians to cease firing and make peace. By this time, Robert Metcalf and James Bruce had been sent into their lines to talk, and, having informed them that I was in command, they expressed a great desire to see me.

"Finding that they were much superior in numbers, being about two hundred warriors, well armed with rifles and muskets, well supplied with ammunition, and knowing that they could fight as long as they saw fit and then safely retreat into a country exceedingly difficult of access, and being desirous of examining their position, I concluded to go among them. On entering their lines, I met their principal chief, Joe, and the subordinate chiefs, Sam and Jim, who told me their hearts were sick of war, and that they would meet me at Table Rock in seven days, when they would give up their arms, make a treaty and place themselves under our protection. The preliminaries having been arranged, the command returned to the place where they had been dismounted, the dead were buried and the wounded cared for.

"By this time Colonel Ross, with his battalion, arrived, having followed our trail for some distance. This gallant command were anxious to renew the attack upon the Indians, who still remained in their position; but as the negotiations had proceeded so far, I could not consent. That night was spent within four hundred yards of the Indians; and good faith was observed on both sides. At the dawn of day, I discovered that the Indians were moving, and sent to stop them until a further talk was held. Accompanied by Colonel Ross and other officers, I went among them, and became satisfied that they would faithfully observe the agreements already made. By the advice of the surgeon, we remained that day and night upon the battle-ground, and then returned to Table Rock.

"Too much praise cannot be awarded to Colonel Alden. The country is greatly indebted to him for the rapid organization of the forces, when it was utterly without defense. His gallantry is sufficiently attested by his being dangerously wounded while charging at the head of his command, almost in the enemy's lines. Captains Goodall and Rhodes, with their companies, distinguished themselves from the beginning to the end of the action for their cool and determined bravery; no troops could have done better. The command of Colonel Ross, under Captains Miller and Lamerick, although too late to participate in the action, made a severe march through the mountains, and arrived on the ground one day sooner than I expected them. Their presence was of great assistance to us. Our loss in the battle was three killed: Pleasant Armstrong, John Scarborough and Isaac Bradley, and five badly wounded: Colonel Alden, myself, and privates Charles C. Abbe (since dead), Henry Flesher and Thomas Hays. The Indians lost eight killed and twenty wounded, seven of whom we know to have since died.

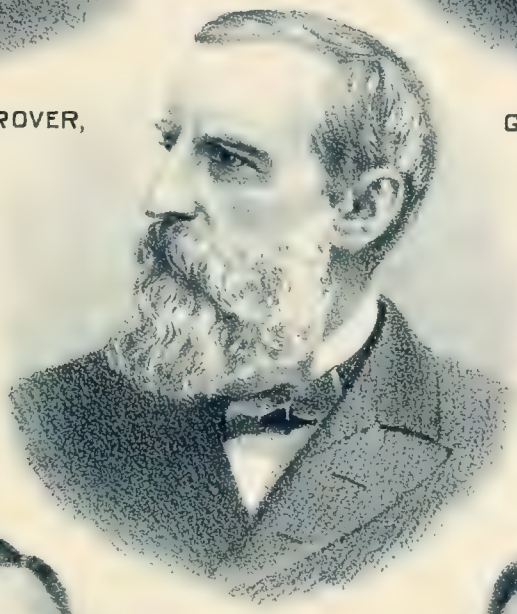
"Soon after my return from the mountains, Captain A. J. Smith, First Dragoons, arrived at camp with his troops from Port Orford. His arrival was most opportune. His presence during the negotiations for a peace was of great assistance, while his troop served to overawe the Indians.



GEN^L CUVIER GROVER,
U.S.A.



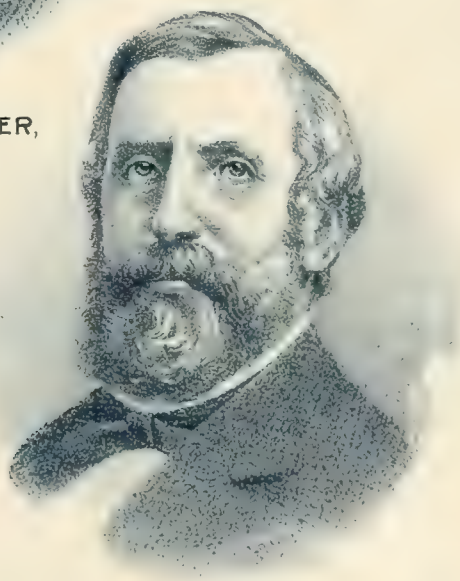
GEN^L A.L.LOVEJOY.



HON. L. F. GROVER,
PORTLAND, OR.



HON. H.W.CORBETT,
PORTLAND, OR.



WILLIAM S. LADD.
PORTLAND, OR.

"The governor of the territory, upon the first information being received by him, ordered out a company under Captain Nesmith, and sent them as an escort for a large quantity of arms and ammunition which were procured from Fort Vancouver. Captain Nesmith arrived after the negotiations had been commenced, but was of great service to me from his intimate knowledge of the Indians and their language. Lieutenant Kautz, Fourth Infantry, accompanied Captain Nesmith, and had in charge a twelve-pound howitzer and caisson, which he brought safely into camp, although the road is a very difficult one and seldom traveled by wagons. A commission as brigadier-general, from the governor of Oregon, reached me a few days after I had assumed command at Captain Alden's request. A treaty of peace has been made with the Indians; and I have no doubt that with proper care it can be maintained. The tribe is a very large one, and to a great extent controls the tribes in this part of the country; and a peace with them is a peace with all. This, in my opinion, can only be perfectly secured by the presence of a considerable military force in the Rogue river valley without delay.

"To Robert Metcalfe, who acted for me as scout and guide, I am indebted for the faithful discharge of his duty. John D. Cosby, James Bruce and George W. Tyler did good service in the same capacity. On the expedition to the mountains, from the 22d to the 26th, W. G. T'Vault, Esq., acted as my volunteer aid. At that time, Captain C. Sims joined the command, and handsomely performed the duties of assistant adjutant-general until compelled by sickness to resign on the 29th. Since that time, Captain Mosher, late of the Fourth Ohio Volunteers, has performed the duties of that office. Doctor Ed. Shiel, George Dart, Richard Dugan and L. A. Davis, the Commissioners appointed by Colonel Alden, were most active in the performance of their duties, and kept the command supplied with provisions, transportation and necessaries for carrying on the war. Major Chas. S. Drew, Assistant Quartermaster, with his assistants, performed their duties with promptness and accuracy. Dr. E. H. Cleveland, Surgeon-General, and his assistants, were unremitting in their attention to the sick and wounded.

"I have the honor to be, etc.,

"JOSEPH LANE."

The troops upon their return went into camp at Bybee's ferry, near Table Rock, which was named Camp Alden, in honor of the gallant officer who had been so severely wounded, the headquarters being established in a small log cabin without floor or door. The quarters were not pretentious, but were in full accord with the command, which was entirely without tents, which they did not need, especially as they had plenty of commissary stores, the want of which had been very much felt during the campaign in the mountains.

On the 1st of September, a pleasant episode occurred at the camp. A deputation from Yreka brought two flags wrought by the women of that place, to be presented to the companies of Captains Goodall and Rhodes for their gallant conduct. The ceremony of presentation took place at headquarters. The troops were paraded, when Dr. Gatliff, the leader of the deputation, delivered the flags to General Lane for presentation. The general, in the performance of this duty, gave great praise to these companies for their conduct in action, explained the situation, and warned all the troops to be guilty of no act of treachery pending the negotiations. General Alvord, U. S. Army, being present, was introduced by General Lane and made some very happy and appropriate remarks.

The next day, Captain A. J. Smith, First U. S Dragoons, with one company of his regiment, arrived at Camp Alden from Port Orford. For making this journey, Captain Smith, now General A. J. Smith, on the retired list, has never been given proper credit. From the time of the unfortunate exploration of Mr. T'Vault, several expeditions had been fitted out at Port Orford, some of which were under the charge of the engineers of the United States Army, for the purpose of finding a trail to the Rogue river valley, none of which had been successful. When Captain Smith received his marching orders, he left immediately, and proceeded to the north side of Rogue river at Big Bend. Finding no practicable trail on the north side of the river, he crossed to the south side, intending to follow the first stream that entered Rogue river from the south. The country being all on fire, the smoke was so dense that it was impossible to discover the topography of the country; and the Captain missed the mouth of the Illinois river, and entered a cañon from which it took him three days to extricate himself. Upon getting out, he ascended the dividing ridge between the Illinois and Rogue rivers, and struck Rogue river at Vannoy's ferry without the loss of a man or a horse.

On the fourth of September, Lieutenant L. F. Grover, with a portion of Captain Nesmith's company, as an escort for the ammunition, arrived in camp, accompanied by General Palmer, Superintendent of Indian Affairs, S. H. Culver, Indian Agent, and Judge Deady, of the U. S. District Court.

On Saturday, September 3d, Joe and Sam, the principal chiefs, and Mary, the wife of Jim, came to headquarters to hold a talk with General Lane, in which the preliminaries of the treaty were concluded. There were present at the council, Major Alvord, Captain Smith, U. S. Army, Colonel John E. Ross, Captain Mosher, Captains Miller, Goodall, Rhodes, Martin and Applegate. On the next day, Sunday, General Lane, accompanied by Captain Smith and his company of dragoons, with the party recently arrived, visited Joe's camp, some six miles distant, for the purpose of concluding the treaty; but, as all the warriors were not yet assembled, three days more were allowed; and Chief Joe was informed that, if at that time he was not ready to treat, hostilities would recommence. On the 9th, Lieutenant Kautz, with the howitzer, arrived in camp, as well as Captain Nesmith, whose influence was quite as effective as the "big gun." On the morning of the 10th, the parties met according to the previous agreement, which was that only ten unarmed Whites should be present. The Indian chiefs were to be there, with their arms and their warriors within convenient distance to support them, while Captain Smith's company of dragoons should remain at the foot of the hill nearly half a mile away. Captain Nesmith, who of course was invited, not only from his rank, but as an interpreter, objected to trusting himself to the treachery of the savages, as did many of the others; but they went all the same. This incident has been so vividly described by Captain Nesmith, in a communication to the Oregon pioneers at their reunion in 1879, as to be worthy of being reproduced here:

"Early in the morning of the 10th of September, 1853, we mounted our horses and set out for the Indian encampment. Our party consisted of the following named persons: General Jos. Lane, Joel Palmer, Superintendent of Indian Affairs, Saml. H. Culver, Indian Agent, Captain A. J. Smith, First Dragoons, Captain L. F. Mosher, Adjutant, Colonel John E. Ross, Captain J. W. Nesmith, Lieutenant A. V. Kautz, R. B. Metcalf, J. D. Mason, T. T. Tierney. After riding a couple of miles across the level valley, we came to the foot of the mountain, where it was too steep for horses to ascend. We dismounted and hitched our horses, and scrambled up for half a mile over huge rocks and

through brush, when we found ourselves in the Indian stronghold, just under the perpendicular cliff of Table Rock, surrounded by seven hundred fierce and hostile savages, arrayed in all their gorgeous warpaint and feathers.

"Captain Smith had drawn out his company of dragoons, and left them in line on the plain below. It was a bright, beautiful morning; and the Rogue river valley lay like a panorama at our feet. The exact line of dragoons, sitting statue-like upon their horses, with their white belts and burnished scabbards and carbines, looked like they were engraven upon a picture; while a few paces in our rear the huge, perpendicular wall of Table Rock towered frowningly many hundred feet above us.

"The business of the treaty commenced at once. Long speeches were made by General Lane and Superintendent Palmer, which had to be translated twice. When an Indian spoke the Rogue river tongue, it was translated by an Indian interpreter into Chinook, or jargon, to me, when I translated it into English. When Lane or Palmer spoke, the process was reversed, I giving the speech to the interpreter in Chinook and he translating it to the Indians in their own tongue. This double translation of long speeches made the labor tedious; and it was not until late in the afternoon that the treaty was completed and signed.

"In the meantime, an episode occurred which came near terminating the treaty, as well as the representation of one of the 'high contracting' parties, in a sudden and tragic manner. About the middle of the afternoon, a young Indian came running into camp stark naked, with the perspiration streaming from every pore. He made a brief harangue and threw himself upon the ground apparantly exhausted. His speech had created a great tumult among his tribe. General Lane told me to enquire of the Indian interpreter the cause of the commotion. The Indian responded that a company of white men down on Applegate creek, under the command of Captain Owens, had that morning captured an Indian known as Jim Taylor, tied him to a tree and shot him to death. The hubbub and confusion among the Indians at once became intense, and murder glared from each savage visage. The Indian interpreter told me that the Indians were threatening to tie us up to trees and serve us as Owens' men had served Jim Taylor. I saw some Indians gathering up lasso ropes, while others drew the skin covers from their guns and the wiping sticks from the muzzles. There appeared to be a strong probability of our party being subjected to a sudden volley. I explained as briefly as I could what the interpreter had communicated to me; and, in order to keep our people from huddling together and thus make a better target for the savages, I used a few English words not likely to be understood by the Indian interpreter, such as 'disperse' and 'segregate.' In fact, we kept so close to the savages and separated from one another, that any general firing must have been nearly as fatal to the Indians as to the Whites. While I admit I thought my time had come, and hurriedly thought of wife and children, I noticed nothing but coolness among my companions. General Lane sat upon a log with his arm bandaged in a sling, the lines about his mouth rigidly compressing his lips, while his eyes flashed fire. He asked brief questions and gave me sententious answers to what little the Indians said to us. Captain A. J. Smith, who was prematurely gray-haired, and was affected with a nervous snapping of the eyes, leaned upon his cavalry saber and looked anxiously down upon his well-formed line of dragoons in the valley below. His eyes snapped more vigorously than usual, while muttered words escaped from under the old dragoon's white mustache that did not sound like prayers. His squadron looked beautiful, but alas! they could render us no service. I sat down on a log close to old Chief Joe, and having a sharp hunting knife under my

undershirt, kept one hand near its handle, determined that there would be one Indian made 'good' about the time the firing commenced.

"In a few moments, General Lane stood up and commenced to speak slowly, but very distinctly. He said: 'Owens, who has violated the armistice and has killed Jim Taylor, is a bad man. He is not one of my soldiers. When I catch him he shall be punished. I promised in good faith to come into your camp with ten other unarmed men to secure peace. Myself and men are placed in your power. I do not believe that you are such cowardly dogs as to take advantage of our unarmed condition. I know that you have the power to murder us, and can do so as quickly as you please; but what good will our blood do you? Our murder will exasperate our friends, and your tribe will be hunted from the face of the earth. Let us proceed with the treaty, and, in place of war, have a lasting peace.' Much more was said in this strain by the General, all rather defiant, but nothing of a begging character. The excitement gradually subsided after Lane had promised to give a fair compensation for the defunct Jim Taylor, in shirts and blankets.

"The treaty of the 10th of September, 1853, was completed and signed, and peace restored for the next two years. Our party wended their way among the rocks down to where our horses were tied, and mounted. Old A. J. Smith galloped up to his squadron and gave a brief order. The bugle sounded a note or two, and the squadron wheeled and trolled off to camp. As General Lane and party rode back across the valley, we looked up and saw the rays of the setting sun gilding the summit of Table Rock. I drew a long breath and remarked to the old general that the next time he wanted to go unarmed into a hostile camp, he must hunt up some one besides myself to act as an interpreter. With a benignant smile he responded, 'God bless you, luck is better than science.' I never hear the fate of General Canby, at the Modoc camp, referred to, that I do not think of our narrow escape of a similar fate at Table Rock."

By the treaty of the 10th of September, the Rogue river Indians ceded to the United States a large amount of territory to which they had no title, and over which they had no control, except the right of the robber to collect toll from the passing immigrants. The cession was bounded as follows: "Commencing on the south side of Rogue river, one mile below the mouth of Applegate creek, thence southerly to the highlands dividing the waters of Applegate and Althouse creeks, thence along said highlands to the summit of the Siskiyou Mountains, thence easterly to Pilot Rock, thence northeasterly to the summit of the Cascade Range of mountains to Pitt's Peak, continuing northeasterly to Rogue river, thence westerly to the headwaters of Jump-off-Joe creek, thence down said creek to the intersection of the same with a line due north from the place of beginning, thence to the place of beginning." The consideration for this grant was sixty thousand dollars, from which was to be deducted the sum of fifteen thousand dollars for damages to the settlers, according to the preliminary treaty made by General Lane on the 3d of September. The balance due the Indians was to be paid on the installment plan, in blankets, agricultural implements, clothing and such other goods as might be deemed proper by the Indian agent, which an old mountaineer described as "chips and whetstones." It was further agreed that the treaty Indians should be allowed to occupy temporarily, as a reserve, the land bounded as follows: "Commencing at the mouth of Evans creek on the north side of Rogue river, thence up said creek to the upper end of a small prairie bearing in a northwesterly direction from Upper Table Rock, thence through the gap to the south side of the cliff of said mountain, thence in a line to Rogue river, striking the southern base of Lower Table Rock, thence down said river



HON. DAVID SHELTON,

SHELTON, W.T.

to the place of beginning." It was also agreed that the peace thus made should not be violated by the misconduct of individuals of either party, but that any violations of the treaty should be referred to the Indian agent for settlement; that all Indians guilty of any offense should be delivered by the chiefs to the civil authorities for punishment; that the chiefs would guarantee a safe conduct to any white person desiring to cross the temporary reservation. They also surrendered all their guns, except fourteen rifles and ammunition for hunting purposes.

The armistice which followed the negotiations for peace, while generally respected, was on several occasions violated by irresponsible Whites and renegade Indians, but chiefly by the latter. On the 4th of September, a house was burnt within one mile and a half of Jacksonville, with ten tons of hay and oats. Several houses were burned on Applegate creek; and in that vicinity a Spanish pack train was attacked, three of the muleteers wounded and two of the mules with their cargoes captured. Dan Raymond's house on Cow creek was burned, and all his property destroyed. On the 5th of September, Captain Owens made a treacherous raid upon a party of Taylor's band of Indians at Grave creek, which came near producing a catastrophe at the making of the treaty. During the armistice, an attempt was made to prevent the consummation of the treaty by those who advocated the total extermination of the Indians. It is needless to say that those who advocated this course had not met the Indians on the battlefield. On September 8th, General Lane issued an order to Captains Terry and Owens to proceed at once to the ranch recently burned by the Indians, follow their band till they found them, and bring them to battle. Failing to obey this order, these valiant Indian exterminators were immediately discharged from the service, and were heard of no more. The other companies of the command were honorably discharged, with a high compliment to their bravery and good conduct.

Captain John F. Miller, however, was ordered with forty men of his company to proceed without delay to the Southern Oregon trail for the purpose of protecting the incoming immigration. He was given unlimited discretion in the treatment of the Indians. This service Captain Miller performed with credit to himself and the soldiers under his command. The immigration was large, and well-provided with cattle, horses and mules; but their oxen were poor, they were short of provisions, and the Indians were hostile and very bold. Captain Miller saw their signal fires along the whole route, and made several unsuccessful raids upon them; but they fled at the approach of the troops.

On September 29th, he surprised a camp of Modocs at Bloody Point, killing one and wounding several others. He made his headquarters at this place, and sent First Lieutenant Abel George, with twenty men, along the trail to the east. Lieutenant George proceeded to the foot of the Sierra Nevada Mountains where, on the third of October, he met a train of immigrants beyond Deep cañon, one hundred miles east of Bloody Point, whose train he guarded, as the members of it were completely worn out. Just before daylight in the morning they were attacked by the Indians, who were trying to steal the stock of the train. The Indians were repulsed with the loss of two killed and many others wounded, while the Whites had two wounded, Joseph Wate, of Missouri, shot in the side of the head by an arrow, and private Wm. Duke, shot through the breast and arm by a bullet. The immigration came through with comparatively little loss and suffering, but this, judged by the present standard, was such as could never have been endured by men and women in their station in life. A portion of the new settlers went

to California, but a large part of them settled in the Rogue river valley, where they and their descendants have built up one of the most prosperous and intelligent communities in the state.

After the treaty was made, there was still one element of danger that threatened the much-desired peace. Chief Tipsu, who claimed to own the upper end of Rogue river valley, well known to be a dangerous and treacherous enemy, had not joined in the treaty, and gave out that he would not be bound by its provisions. General Lane, before his return to his home in October, wishing to leave nothing undone to secure peace to the valley, went to Tipsu's camp accompanied only by R. B. Metcalfe and James Bruce, and made an agreement with him by which the rights of the settlers should be respected. This was an extremely dangerous venture; and no one but General Lane could have returned uninjured from such an interview.

The treaty Indians were located upon the Table Rock reservation, while on the south side of the river Captain A. J. Smith with his dragoons erected a two-company military post built with logs, within easy reach of the reservation, which was properly named Fort Lane. S. H. Culver, who was appointed agent of the Southern Indians, made his headquarters at the fort. This post was abandoned after the removal of the Indians in 1856, and has long since fallen to decay; but it has the distinction of being the school in which many prominent soldiers had their first experience in warfare after leaving the academy at West Point. Among them were General George Crook, General H. B. Gibson, General N. B. Sweitzer, General John B. Hood, of the Confederate army, and several others of lesser fame; but the pride of the post was Dr. Charles H. Crane, late Surgeon-General U. S. Army, who, although a non-combatant, proved himself as gallant a soldier as the best of them.

Congress at the solicitation of General Lane, who was the delegate from Oregon, paid the expenses of the war and assumed the payment of the loss suffered by the settlers, which was to be computed by a commission. The commission when organized consisted of Hon. L. F. Grover, A. C. Gibbs and George H. Ambrose. The award of the commission, after a full examination, was about forty-six thousand dollars, of which only about thirty-three per cent was ever paid.

The business of Jackson county, although very much impeded by Indian hostilities, went steadily forward. The first term of the district court was held in Jacksonville, on the 5th of September, by Judge M. P. Deady. Several civil cases were tried, and some indictments found by the grand jury, which under the circumstances could not be tried at that term. The court sat only a few days; and all the accessories were of a very primitive character. Before the war broke out, the settlers on the farming lands had sown considerable wheat, the yield of which was so extravagantly large that the newcomers could scarcely realize it. In 1852, Dugan & Co. established an express from the Willamette to the Sacramento valley, which proved very valuable property, as there was no mail communication at that time. The headquarters were at Jacksonville. Late in the year the business was transferred to Cram, Rogers & Co. and was finally absorbed by Wells, Fargo & Co. The express business was then in its infancy. In the early part of 1853, the miners did remarkably well. Water was plentiful, and the mines recently opened proved extravagantly rich. The business of the merchants rapidly increased, so that the business of the express company became a very important matter. It seems almost incredible at this time to say that all this treasure was during the most dangerous portion of the year carried daily between Yreka and Jacksonville upon

horseback, with relays at convenient stations, by two young men, who, when they left their several offices, in addition to the treasure, took their lives in their hands. They were fortunate then and have been ever since. One of them was Stephen D. Brastow, of Wells, Fargo & Co., and the other C. C. Beekman, the banker of Jacksonville, Oregon.

During this year, Major Alvord, U. S. Army, made a reconnoisance, in order to determine the line of the military road from Myrtle creek to Rogue river. Assisted by Jesse Applegate, he examined these different routes, one east of the Umpqua cañon, one following Cow creek and the cañon itself. The route through the Umpqua cañon was finally adopted; and the contract for building the road was let to Jesse Roberts for the distance through the Umpqua cañon, and to Lindsay Applegate for the portion through the Grave creek hills. The road was to be completed by June, 1854; and the work was duly performed with the money available from the appropriation by Congress,—fifteen thousand dollars.

The first term of the district court for the county of Douglas was held at Winchester, on the 19th of September, 1853, Judge M. P. Deady presiding. L. F. Grover, Esq., appeared as United States district attorney and S. F. Chadwick, Esq., prosecuting attorney *pro tem.* There were eight civil cases on the calendar, and the grand jury found two bills of indictment; but, as none of the cases were ready for trial, the term of the court lasted but three days. During the fall of this year, ten wagons, loaded with immigrants, who had made the overland trip by the southern route, came through the cañon; and their owners made their homes in the Umpqua valley. As an evidence of the increasing prosperity of Douglas county, it may be stated that in the fall of 1853, in addition to other stock, a band of one thousand head of mutton sheep was driven to the mines of Southern Oregon.

After the execution of the treaty with the Rogue river Indians at Table Rock, the settlers of Jackson county relied upon peace being maintained, although, as has been related, there had been several violations of the armistice previous thereto. They were consequently much alarmed to hear that on the night of the 7th of October, about 10 o'clock, James Kyle, a merchant of Jacksonville and a partner of Wills, who was murdered near Jacksonville at the commencement of the war, had been shot by two Indians, who were traced to the reservation. Captain Smith, in command of Fort Lane, and Mr. Culver, the Indian agent, took prompt measures to secure the delivery of the murderers. This was a difficult matter, as one of them was a relative of Chief Joe, and both were popular with the young Indians of the reservation. The object was finally accomplished; and the two, George and Tom, were given up on the 12th of October, as well as Indian Thompson, the murderer of Edwards. They were tried at Jacksonville by Judge McFadden, at the February term, 1854, of the district court, found guilty, and hanged a few days after. Mr. Kyle died on the 13th of October. The surrender of these Indians did much to restore confidence in the good faith of the Rogue river chiefs.

The Indians living on the Illinois river owed their allegiance to Chief John. Although desperate fighters, they were intimidated by the large number of miners then in that section of the country, did not join in the war, and took no part in the treaty; but they amused themselves by stealing stock and whatever else they could safely get away with. About the 12th of September, 1853, they attacked two miners, Tedford and Rouse, several miles below Deer creek bar. Rouse was cut in the face, and Tedford was shot in the left arm, shattering the bone. The miners were alone at the time, but were speedily found by the neighboring miners and taken to a place of safety. Tedford

died within a week. About the middle of October, Alex. Watts and a number of others mining at the mouth of Deer creek, which is a branch of Illinois river, having lost over twenty horses and mules, demanded them from this band of Indians. The Indians replied that the stock had strayed down the Illinois river and that they could come and get them. Accordingly Watts and some twelve men started down the Indian trail to recover them. Arriving at a small prairie where they were grazing, they commenced herding the stock, when they discovered that the Indians were attempting to cut off their retreat. They immediately charged through them and reached the trail in safety, Alex. Watts being shot in the leg. A few days after, Mr. Culver, the Indian Agent, having been informed of the difficulty, left Fort Lane with a detachment of dragoons under Lieutenant Radford, to punish the Indians and recover the stock. Upon arriving upon the ground, it was found that more force and provisions were necessary. In response to his request, Lieutenant Castor arrived with a reinforcement. The further account of the movement is taken from the official report of the Indian agent: "On the 23d of October we started into the mountains, and on the 24th, at noon, we came to where my guides wanted us to stop, that they might explore a little. These two Indian guides belonged to Chief Joe's people. In a short time, the guides returned and said they were satisfied the Indians were below on the creek. Lieutenant Radford left a guard with the horses and went down the mountain with the command on foot. The guides took us down so as not to be observed. The men jumped into the water, were across the river and upon them so quickly that they were completely surprised. The Indians made three different stands, though they were short. After the word 'forward' was given the dragoons never stopped, but rushed upon them and chased them until they reached the mountains. From eight to fifteen Indians were killed. It was impossible to tell how many, because the Indians carried off all the killed and wounded they could. There were twenty soldiers in the fight, and we had two men wounded. Just after we had commenced our return, we were fired upon from the bushes. Sergeant Day was killed and private King wounded."

The command returned to Fort Lane in safety. A few weeks after this attack, the miners about the mouth of Deer creek, under the command of Mike Bushey, made another attempt to recover the stolen property. The party was composed of thirty miners, who proceeded by the trail to the Indian rancheria. Upon their arrival, the Indians were very hostile, and in one engagement William Hunter was shot three times with bullets, but finally escaped without serious injury. Captain Bushey and Alex. Watts, however, finally succeeded in patching up a peace which was fairly observed until 1855.

The coast section of Oregon south of the Umpqua river was rapidly developed during the year 1853, of which little was known in the interior for the reason that all communication which the settlers of the coast had with the outside world was by sea directly with San Francisco, from which port they received all their supplies. The new settlements were therefore more colonies of California than an integral portion of the territory of Oregon. The military post at Port Orford was of little advantage towards the settlement of the country; but the discovery of gold mines near that place in the summer of 1853 secured a rush of miners, and brought the locality into prominent notice. The first news of this discovery was obtained through a San Francisco newspaper, which stated that about fifty miners were making from seventy to seventy-five dollars per day to the hand near Port Orford. The mines were on the beach, and extended nearly thirty miles above and below Port Orford.



ALANSON HINMAN,
FOREST GROVE, OR.

Similar deposits were found above and below the mouth of Rogue river, which was properly named Gold Beach. About the same time, two half-breed Indians discovered the placers at the mouth of Whiskey Run, a small creek which empties into the ocean about five miles north of the Coquille river. After working them a short time, they sold them to the Macnamara brothers, it is said, for twenty thousand dollars. It was estimated that more than one hundred thousand dollars was taken from this one claim. The rumor of these rich mines having got abroad, thousands of miners flocked to them, and began prospecting along the coast from Trinidad in California to the Umpqua river. Along the beach near Whiskey Run, not less than a thousand men were congregated. A town sprang up at once, containing stores, lodging houses, saloons, restaurants, tents and cabins in large numbers, which was named Randolph. The beach mining during this season was very profitable, but as soon as the season of high tides, which accompany the rainy season, set in, the work had to stop.

While the gold-mining excitement was at its height, another movement was being made much more quietly, but which proved to be of incalculable value to the people of the coast, and the source of their present prosperity. Perry G. Marple, who was an enthusiast, had been a preacher, and what, in our present vernacular, would be designated as a "crank," conceived the idea of exploring the mouth of Coos river, and establishing a colony there. At that time, the merchants, miners and settlers of Jackson county were anxious to find a seaport through which they could receive their supplies at a less expense than by the way of Scottsburg or Portland. Marple, in carrying his idea into execution, took a party, in the winter of 1852, to the mouth of the Umpqua, and, having procured two Indian guides, followed the coast until they arrived on Coos Bay, where Empire City now stands. Having ascertained that the entrance to the harbor was practicable, that the timber was of a fine quality, almost inexhaustible, and that coal was to be found, he returned to Jackson county to organize a colony. In this he was successful. The original members of the Coos Bay Company were: Rolin S. Belknap, James C. Tolman, Elizabeth E. Tolman, Mary Tolman, Freedman G. Lockhart, Esther M. Lockhart, Ella Lockhart, Lillias M. Lockhart, Vestal W. Coffin, Esther J. Coffin, Emma Coffin, Vestal W. Coffin, Jr., Solomon Bowermaster, Jos. H. McVay, James A. J. McVay, Wm. H. Harris, Chas. W. Johnson, Wm. H. Jackson, Perry G. Marple, Andrew B. Overbeck, A. P. de Cuis, Charles Pearcey, Matthias M. Learn, Curtis Noble, Henry A. Stark, Chas. H. Haskill, David Rohrer, Jesse Roberts and Sigismund Ettinger. Perry G. Marple was President, and James C. Tolman, Secretary. The pioneers of the company came to the Umpqua valley, and found a convenient trail by the way of Looking Glass and Camas valley to the middle fork of the Coquille, thence to the ocean. From the mouth of the Coquille, they proceeded up the beach to Coos Bay. W. H. Harris took his Donation claim on the south side of the bay, about five miles from the bar, the site of Empire City. Lockhart took a claim at North Bend, Curtis Noble the Coos City claim, J. C. Tolman the Marshfield site; and the others took the most available claims in the vicinity.

The company, as originally formed, was on the Fourier system of a community of interest. In December, 1853, the company, by their president and secretary, sent to General Lane a draft of a bill which they wished Congress to pass. The fourth section directed the Surveyor-General of Oregon to survey all the claims then taken, nineteen in number, giving the names of the claimants, and issue the certificates for patents to the Coos Bay Company. The bill further provided for a division of stock and dividends, the duration to be twenty years. It is needless to say that the bill was never presented. The

settlers held their Donation claims as all other citizens of Oregon, and laid the foundation of one of the most prosperous communities in Southern Oregon.

Induced thereto by the rapid settlement of the country, the legislature of 1853–54, on December 22d, passed an act creating the county of Coos, and defining its boundaries as: "Beginning at a point on the ocean eight miles south of the Umpqua river; thence southeast to the dividing ridge between the waters of the Umpqua, and Coos and Coquille rivers; thence along the summit of the divide to the southwest corner of Douglas county; thence south to the source of the south fork of the Coquille; thence south to the forty-second parallel; thence west to the Pacific Ocean; thence north to the place of beginning."

The first vessel that entered Coos Bay was a small schooner bound for the Umpqua, which entered there by mistake in 1852, and remained several weeks, hunting for the settlements and terrified by the Indians, until P. Flanagan and Pilot Smith, learning their condition from the Indians at the Umpqua, piloted them out, and into their destination. The first vessel to bring a cargo to the bay was the *Cynosure*, a sailing vessel, commanded by Captain Whippy, which arrived in 1853, soon after the opening of the Randolph mines. The commerce and development of this section will be fully shown later.

Chapter XLVI.

(1854.)

Mild Weather and Prosperous Times — A New Territory Projected — Conventions Held — The Oregon Legislature — How Roseburg Became the County Seat — Milling Industries — Gold on the Seashore — The First Coal from Coos Bay — Disastrous Navigation — First Newspaper in Southern Oregon — First Term of Court at Empire City — Protection of Immigrants — Captain Walker's Volunteer Company — Serious Engagement with the Indians — Repulsed by the Savages — Patriotism of the Volunteers.

THIS year was one of universal prosperity and progress in Southern Oregon. The winter of 1853–54 was very mild, the farmers were enabled to keep their plows running during the whole winter, the mining interests were prospering, all fear of Indian difficulties was allayed, and the rapid development of the country seemed assured. In the fall of 1853, Judge M. P. Deady, who had been assigned to the southern district, was, by a singular mistake, removed, and O. B. McFadden, of Pennsylvania, appointed in his stead. This change was very distasteful to the people of the district, who, without distinction of party, united in a vigorous protest against it. Judge Deady was, however, reinstated in January, 1854, and McFadden appointed District Judge of Washington Territory.

In the early part of the year 1854, a vigorous movement was made in Southern Oregon and Northern California for the creation of a new territory, to contain that portion of Oregon south of the Calapooia Mountains, and all that portion of California north of Redding Springs. The matter had been much discussed; but the first call for a convention was issued by the *Mountain Herald*, of Yreka, California, on December 30, 1853. In pursuance of that call, a large number of the citizens of Jackson county convened at the Robinson House, in Jacksonville, on January 7, 1854, to consider the propriety of, and to devise means for, organizing the new territory. Sam Culver was chosen President, and T. McPatton, Secretary. A committee of five was appointed to draft a memorial to the Legislative Assembly of Oregon, and to select ten delegates to the general convention to be held in Jacksonville, Oregon, on January 25, 1854. The committee on memorial consisted of Dr. Jesse Robinson, W. W. Fowler, L. F. Mosher, T. McF. Patton and S. C. Graves. The committee reported a memorial, which was unanimously adopted. A full delegation was selected for the general convention. This convention assembled at the Robinson House, in Jacksonville, Oregon, on January 25, 1854. The delegates present were: From Siskiyou county, California, Elyah Steele, C. N. Thornburg, E. J. Carter, H. G. Farris, E. Moore, O. Wheelock and J. Darrough; from Jackson county, Oregon, L. F. Mosher, Richard Dugan, John E. Ross, C. Sims, T. McF. Patton, Saml. Culver, D. M. Kenney, Chas. S. Drew, Martin Angell and Jesse Robinson; from Coos county,

Oregon, S. Ettinger and Anthony Lettleys; from Umpqua county, Oregon, George L. Snelling. Committees were appointed to memorialize Congress, the Legislature of the State of California and the Legislative Assembly of Oregon, after which the convention adjourned to meet at Jacksonville on the 17th of April following. The delegate to Congress from Oregon, General Lane, was opposed to the project; but the chief cause of its failure was that a large majority of the people of California, and all their representatives in Congress, were violently opposed to it.

The Legislative Assembly of the territory of Oregon, at its session in 1853–54, seemed to be very much alive to its interests. A bill was passed submitting the question of the formation of a state constitution to a vote of the people, which was defeated. They also passed an act incorporating a railroad company to build a railroad from Portland to the California line, by the way of the west side of the Willamette river; but, unfortunately, this project did not materialize. Among their local acts was one submitting to the voters of Douglas county the selection of the county seat. There was much excitement created on this subject. Aaron Rose, who held a Donation claim at the mouth of Deer creek, offered three acres of land and a contribution of one thousand dollars towards the erection of the courthouse, whereby he secured the prize, the vote for Deer creek being 265, for Winchester ninety, and for Looking Glass twenty-five. A townsite was laid out and named Roseburg, which is now one of the most thriving cities in Southern Oregon. The raising of wheat led, of course, to the erection of flouring mills; and we find, in 1854, five of them in Southern Oregon, one at Oakland, one at Winchester, one at Deer creek and two on Bear creek, in Jackson county.

The increased business of the country demanded additional mail facilities, which the general government granted in a very niggardly manner; but the United States postal agent, J. C. Avery, managed so to change the schedules as to shorten the time from Portland to Yreka seventeen days. During the year a good wagon road was constructed from Scottsburg to the Oregon and California road. Congress having made an additional appropriation of twenty thousand dollars for the completion of the military road from Scottsburg to Rogue river, Lieutenant Withers, U. S. Army, who was detailed to resume the survey and construction of the same and charged with the expenditure of the money, arrived at the scene of his labors in October, 1854.

The brilliant prospects offered by the beach mines of Coos Bay in 1853, and which attracted so large an immigration, were not fulfilled in 1854. The great sea that had deposited untold wealth upon its shores in the previous season, with its usual capriciousness removed it all in the following winter. The spring found both mines and merchants bankrupt. The merchants mostly returned to Scottsburg; but a few far-seeing men, among whom were Rogers & Flanagan, Northrup & Lymonds and James Aiken, remained, satisfied that the coal and lumber of this region offered sufficient inducements to remain and await developments. The first cargo of coal was mined from a drift in the Boatman Donation claim. It was transported in wagons a mile and a half to Coal Bank slough, and transferred in scows to Empire City. This cargo was shipped in the *Chansey* in 1854; and both vessel and cargo were lost on the Coos Bay bar. Another cargo was shipped shortly afterwards, procured from the same source. At that time the price of coal in San Francisco was forty dollars per ton; and freight from Coos Bay was paid at the rate of thirteen dollars per ton.

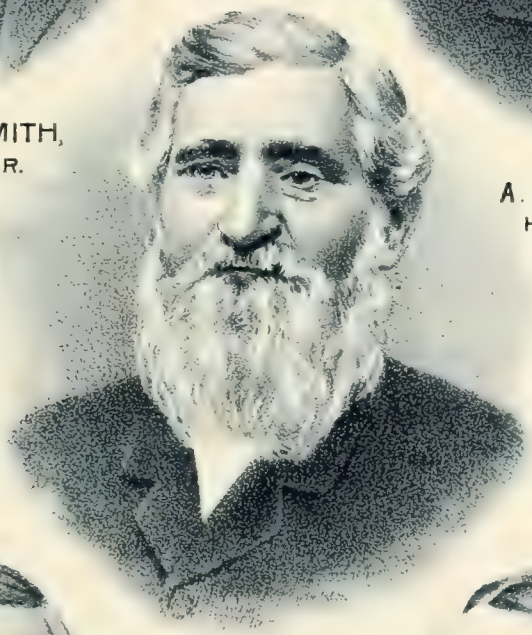
About March 15, 1854, the brig *Frances Helen* left the mouth of the Umpqua for Coos Bay, expecting to make the trip in a few hours. After having crossed out, she had to put



THOMAS SMITH,
ASHLAND, OR.



A. B. GLEASON,
HUBBARD, OR.



WM. CHAPMAN,
SHERIDAN, OR.



J. B. Mc CLANE,
INDIAN AG'T. GRAND RONDE RESERVATION.
OREGON.



MRS. J. B. Mc CLANE.

to sea on account of heavy weather, and did not cross the Coos Bay bar until the 27th, and after crossing went ashore on the north spit, where she remained in a perilous position for three days, but was finally got off by the exertions of her master, Captain Leeds, and safely moored in the harbor. The brig had on board ninety tons of freight from Scottsburg.

In April, 1854, the first newspaper of Southern Oregon was published by D. J. Lyon at Scottsburg, William J. Beggs being the printer. It was styled the *Umpqua Gazette*, and was edited with more than average ability. Judge Deady held the first term of the district court in Coos county at Empire city on October 2, 1854.

The remaining incidents of 1854 are connected with the expedition of Captain Jesse Walker to assist the incoming immigration by the southern route in that year. On July 17, 1854, Governor Davis of Oregon, at the request of the citizens of Jackson county, issued an order authorizing John E. Ross, as colonel of the militia, to call into service a company of volunteers for that purpose, if he should deem it necessary. The governor also directed a communication to General Wool, commanding the Department of the Pacific, requesting his attention to our Indian relations in that direction. General Wool, although deeply impressed with the necessity of such an expedition, had no force of regular troops which could be spared for such service. Colonel Ross, who by his former experience was fully aware of the necessity of such protection, on the third day of August issued a call for a company of volunteers, to serve for the term of three months. The company, consisting of seventy-one men rank and file, was promptly enlisted. The officers were Captain Jesse Walker, Lieutenant C. Westfeldt and Isaac Miller, Sergeants William G. Hill, R. E. Miller and Andrew J. Long. The instructions of Colonel Ross to Captain Walker were to proceed at once to some suitable point near Clear Lake, in the vicinity of Bloody Point, and protect the trains. The treatment of the Indians was left to the discretion of Captain Walker, but concluded with the following terms: "If possible, cultivate their friendship; but, if necessary for the safety of the lives and property of the immigration, whip and drive them from the road."

About the same time that the company of Captain Walker left Jacksonville, a party of experienced mountaineers, fifteen in number, left Yreka with the same object. The Yreka company struck the Indians on the north side of Tule Lake, and were met with a shower of arrows. Their force being insufficient to withstand the charge, they fell back to await the arrival of the Oregon company. When Captain Walker arrived, he sent forty men of his company, with five Californians, to attack the Indian village, which was situated in the marsh three hundred yards from where the attack had been made. The Indians fled, the village was destroyed, and all the men returned to camp at the mouth of Lost river. The headquarters of both companies was established at Clear Lake. Captain Walker, from this point, sent a detachment of his company under Lieutenant Westfeldt eastward on the trail, to meet the coming immigration; and a number of the California company joined this command. Lieutenant Westfeldt went as far east as the Big Bend of the Humboldt, collecting the scattered wagons into trains, and supplying them with escorts to the headquarters at Clear Lake. Owing to these precautions, the immigrants arrived with few accidents, except the stealing of their stock by the Indians.

On the third of October, Captain Walker determined to punish these thieves, and with sixteen men started north in pursuit of them. North of Goose Lake, he met a band of Indians which he followed the whole day. On the next he came upon them, and found them fortified upon the top of a huge rock, which he named Warner's Rock in

remembrance of Captain Warner, who was killed there in 1849. He immediately charged their stronghold, but was repulsed with the loss of one man, John Low, wounded. Returning to Goose Lake, the company met and killed two Indians. The captain again set out with twenty-five men, and, by traveling in the night, succeeded in reaching Warner's Rock without being discovered by the Indians, who had retired from the rock and were encamped on the bank of a creek. The company formed a semi-circle around the camp, and at daybreak commenced firing. The Indians being completely surprised took to the brush; but many were killed. The only white man injured was Sergeant William G. Hill, who was severely wounded in the arm and face by the accidental discharge of a gun in the hands of one of his comrades. Returning to Goose Lake, they were ordered home, and were mustered out of service at Jacksonville November 6, 1854, having served ninety-six days. When it is considered that these men volunteered with no hope of reward beyond the consciousness of the performance of a duty, it will not be denied that they deserved well of their country.

Chapter XLVII.

(1855.)

Promised Prosperity Brings Indian Wars to Southern Oregon — New Land District — Hon. L. F. Mosher Appointed Register; George W. Lawson, Receiver — Indian Depredations — The Savages Pursued: They Retreat to the Reservation —Other Savage Murders—Volunteers Organize and Take the Field—Successful Operations — Conduct of the Whites — A Dark and Memorable Day — The Savages Inaugurate a General War to Exterminate the Pioneers of the Pacific Northwest — Numerous Murders — Volunteers to the Rescue — United States Troops Take the Field — Organizations of Settlers for Defense and Protection —Inhuman and Savage Butchery of Men, Women and Children, Murdered by the Indians — Governor Curry Calls for Volunteers — Desperate Conflicts —The Savages Victorious — Reorganization for the War — Plan of Campaign — The Closing Events of the Year.

THE settlers of Southern Oregon had every reason to congratulate themselves upon their future prospects at the beginning of the year 1855 The population was steadily increasing; the immigrants of previous years had built themselves homes,—most of them, it is true, of a very primitive character,—made fences and raised bountiful crops; villages had sprung up all over the country, and also trading posts, where all necessary supplies could be secured; money was plenty, owing to the yield of the gold mines; schools and churches had been established; law and order prevailed everywhere; and the country began to assume, in a rude form, the character of the states east of the Rocky Mountains. The land was being surveyed, upon the plats of which surveys every original Donation claim was marked out, thus preventing any future controversy in regard to land titles. To further the interests of the settlers of Southern Oregon, Congress, on the 17th of February, 1855, passed an act creating a new land district south of the fourth standard parallel, which was near the line of the Calapooia Mountains, to be called the Umpqua District. The act was not to take effect until three months after its passage. The location of the office was fixed by the President at Winchester, Douglas county. L. F. Mosher was appointed Register, and George W. Lawson, of Indiana, Receiver. The trade by the way of the mouth of the Umpqua river was steadily increasing. Wagon teams drawn by oxen were to a great extent taking the place of pack trains, owing to the improvement of the roads, thus reducing the price of goods in the interior. On Coos Bay, two coal mines were being opened, one at Newport by Flanagan & Rogers, the other at Eastport by Northrup & Symonds. Two saw-mills were also erected, one by A. M. Simpson at North Bend, the other by H. H. Luse at Empire City. The discovery of new beach mines was reported near Port Orford and the Coquille river. In Jackson county, the mining and agricultural interests were never in a more prosperous condition. The year which opened so auspiciously was destined to be closed with one of the most desperate and cruel Indian wars recorded in the annals of the United States.

The Indians on the Rogue river reservation, under the command of their chiefs, Sam and Joe, as a general rule, maintained the obligations of the treaty they had entered into in 1853; but many of the young warriors chafed under the restraint, and were willing at every possible opportunity to join the bands of John, Limpy, George, Tipsu, and other chiefs who had not signed the treaty, in any raid of murder and pillage.

Captain A. J. Smith, in command of Fort Lane, and George H. Ambrose, who had succeeded S. H. Culver as Indian agent, used their best efforts to punish these marauders; but the small force of regular troops at their command, and the great extent of mountainous country over which the Indians roamed, made it impossible to effect much. In fact, if the citizens had not on these occasions united to defend themselves, they could have accomplished nothing. It is impossible to narrate all the devilment the Indians did during this period, as there was no newspaper published in Jackson county at that time, and most of the old pioneers have passed away.

The first one of these raids occurred in May, 1855. A party of Indians belonging to Limpy's tribe, with some of the Rogue river Indians, went from their camp on Illinois river across the mountains to Happy Camp, on the Klamath river, where they robbed a number of mining camps. From there they went to Indian creek, where they killed a miner named Hall. Returning home across the Siskiyou Mountains, they stole some cattle from Hays' ranch, and retreated to the mountains at the head of Slate creek. The next day Sam Frye, with eight men, left Hays' ranch in pursuit. He came upon them and killed three. He returned for reinforcements, and found that the Indians had gone to Deer creek, and upon the way had murdered a man by the name of Philpot and seriously wounded James Mills. Upon hearing the news, the settlers moved to Yarnell's stockade for safety; and a messenger was sent to Fort Lane for assistance. Frye, with twenty men, was still pursuing the Indians. Upon receiving news of the attack, Captain Smith ordered Lieutenant Sweitzer, with twelve men, to their relief. This detachment found the bodies of Jerome Dyer and Daniel McCue where they had been murdered on Applegate creek. Lieutenant Sweitzer and his command, not being able to find the Indians, returned to Fort Lane; but Captain Frye pursued them with such vigor that, finding their escape impossible, they returned to Fort Lane and gave themselves up to Captain Smith, by whom they were kept in custody, he refusing to give them to the soldiers or to the civil authorities until after an indictment was found. The court did not meet until December; and the whole band, fourteen in number, escaped punishment.

The next massacre occurred on Humbug creek, a branch of the Klamath river, on the night of the 27th of July, 1855. A party of Indians, mostly of the Klamath tribe, with two of the Rogue rivers, made a raid upon the miners working on the creek and Klamath river and killed twelve men in cold blood while asleep, after which they retreated north across the mountains to the head of Applegate creek. They were immediately followed by five companies of volunteers hastily gathered, numbering in all about two hundred men. The Indians, finding themselves pursued in force, sought refuge upon the Rogue river reservation. The volunteers, having traced them to this point, asked Captain Smith to deliver the criminals up to them, which he refused to do, but promised to surrender them to the civil authorities of California upon a proper requisition. Some time after, the two Rogue river Indians engaged in the murders were given up to the civil authorities at Yreka and were executed, the remainder of the party being a part of the Indian force whose record will be given later.



WM. BILLINGS,

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About the first of September, a party of Indians, which was no doubt a part of Tipsu's band, stole a number of horses from Fred Alberding, who lived near the head of the Rogue river valley. Alberding, securing the assistance of a few of his neighbors, started out to recover his property. Following their trail, they fell into an ambuscade of the Indians and were fired upon. Granville Keene was killed; and Alberding and J. Q. Faber were wounded. The party was compelled to retire, leaving the body of Keene upon the ground. News having been sent to Fort Lane, Captain Smith ordered Lieutenant Sweitzer and Lieutenant Allston, with thirty-eight men, to the scene of the murder. They found the remains of Keene mutilated almost beyond recognition. The Indians, numbering about thirty, they did not find. On the 24th of September, Harrison B. Oatman and Daniel P. Brittain of Phœnix started an ox-team train to Yreka loaded with flour from the Phœnix mill in Jackson county, Oregon. With them were Calvin M. Fields, formerly from Iowa, and John Cunningham, from Sauvies Island, Oregon. Each one drove an ox team of two yoke; and the train camped the first night near the foot of the Siskiyous. The next day, when near the summit, it became necessary to double teams by reason of the steepness of the ascent. Fields and Cunningham joined teams. When within three hundred yards of the summit, they were fired upon by the Indians and instantly killed. Brittain, who was in charge of the remaining teams, hearing the firing and ascertaining the cause, fled back to the Mountain House, three miles distant; and news was at once sent to Fort Lane for assistance. Oatman, who was in advance, escaped over the summit; and a short distance below, on the south side, he met A. O. Hutchings of Polk county, Oregon, who was returning from Yreka. The two went back a short distance, when, meeting some men who were ready to accompany them, they immediately returned to the scene of the murders. Fields' body was lying in the road, but that of Cunningham could not be found. The Indians had shot and killed eighteen head of cattle, and upset the wagons. No Indians were found.

Upon the receipt of the news at Fort Lane, Captain Smith at once ordered Major Fitzgerald, with Lieutenant Allston and thirty-six men, to proceed to the scene and punish the Indians. Major Fitzgerald lost no time. On his arrival at the Mountain House, he found a party of twenty-two citizens under the command of Captain Thos. Smith, ready to follow the Indians, with whom he at once joined forces. On the morning of the 28th, on the summit of the Siskiyou Mountains, the trail of the Indians was discovered, which was followed until it reached a branch of the Klamath, where the Indians appeared to have scattered. Small parties were sent in every direction, and the trail was discovered. "At daylight the next morning," says Major Fitzgerald in his official report, "the command was on the trail, which was pursued until noon, when the valley became almost a cañon, with very rocky and precipitous sides, and entirely impracticable for horses. From this point I sent eighteen volunteers, who had accompanied me and who left their horses at this point, to follow up the Indians until night, in order that we might ascertain if their position was accessible from any other direction. They continued in pursuit for ten miles over what they represent to be the most impracticable country they have ever seen, over the summit of the Siskiyou Mountains again, and on to the waters of Butte creek, which run into Rogue river. As the Indians were unapproachable from my position, and as they were evidently aware of our pursuit, and as they were much more accessible from Rogue river valley, I returned to the post and report these facts. I arrived (at Fort Lane) on the 1st instant. I received much valuable assistance from the volunteers who accompanied me, and from their commander, Captain Thomas Smith."

The settlers, although they had not the advantage of the report of Major Fitzgerald above alluded to, were sufficiently warned by Captain Smith and his company, and were well prepared for their appearance on Butte creek. Having learned that the murderous band were in camp near the mouth of Butte creek seeking a refuge on the reservation, to the protection of which they were certainly not entitled, the citizens of the valley at once organized a company to inflict upon them the punishment they deserved. Captain Hays was in command. The company consisted of about forty men. On the evening of the 7th of October, they surrounded their camp, and at daybreak in the morning commenced the attack which resulted in the killing of most of the warriors. The victory was dearly gained, with the loss of Major Lupton, who was killed by an arrow from a wounded Indian, almost in the same manner as Captain Stuart was killed in 1851. Major Lupton was a member of the House of Representatives from Jackson county.

Before proceeding to narrate the events which immediately followed the last fight, it becomes necessary to repel some grave charges against the good name and fame of the people of Southern Oregon. To every citizen of this section, it was plainly evident that the majority of the Indians had no disposition to abide by the treaty of 1853, but were fatally bent on war. This, unfortunately, was not the view that the Indian agents and the military officers of the United States government took of the situation. They persistently held that these outrages were committed by the Indians in retaliation for attacks made by the Whites, with the malicious intention of driving them to desperation, in order that the Whites might have an excuse for their extermination. They accordingly defended and protected the red-handed murderers of women, children and unarmed men whenever an opportunity offered. Chief among these slanderers were Joel Palmer, Superintendent of Indian Affairs in the territory, and General John E. Wool, commander of the Department of the Pacific at San Francisco. The newspapers of the northern part of Oregon, knowing little of the actual state of affairs, reiterated these charges. It was the year of Know-Nothingism in Oregon; and, as party politics were at a white heat, it is not surprising that the statements of the newspapers were made more with reference to their effect upon the campaign than to their accuracy. The reports of the army officers and the Indian agents are effectively locked up in the *Congressional Record*, that nobody reads; while the heated discussions of the political campaign have long since been forgotten. It would not be necessary, therefore, to refer to the charges, had they not been perpetuated by certain publications called histories. One of these is designated as the "History of the Southern Oregon Counties," published by A. G. Walling at Portland, Oregon, the other called the "History of Oregon," by H. H. Bancroft, published at San Francisco (1).

A sufficient reply to these charges is contained in the beginning of this chapter. To the farmers and miners whose labor for a year was dependent upon the preservation of peace, nothing could be more disastrous than an Indian outbreak. Besides this, the citizens of all classes, relying upon the peaceful year of 1854 and the presence of the United States troops, were almost entirely unprepared for a serious conflict; while the Indians, taking advantage of their security, were well provided with arms and ammunition for a long campaign.

The truth of the matter was, that all the chiefs who had not joined in the treaty of 1853, and some who had, became convinced, by the rapid influx of the white population,

(1) In Bancroft's History many statements are made, the authority of which is given, in a foot note, to the autobiography of General Lane, MS. The author of these papers is in a position to know that General Lane never wrote nor dictated an autobiography, and, further, that all the statements made on this alleged authority are absolutely false. MOSHER

that their days were numbered, and that a final struggle was imperative. Chief John, who was not only a warrior, but a general, was the leader of the movement in the south. Chief Joe was dead; and Sam, his brother, in charge of the Rogue river Indians on the reservation, refused to fight; but John enlisted most of his young warriors. He also engaged the Indians of the Umpqua valley on his side, who had never made any pretense of ill treatment by the Whites, as well as the Indians on the coast. As this war broke out almost simultaneously, from the line of British Columbia into Northern California, the conclusion is irresistible that the conflict was an united effort upon the part of the Indians to prevent any further encroachments on the part of the Whites, and that the citizens of Southern Oregon had nothing to do with its inception.

The 9th of October, 1855, was a dark and memorable day in Southern Oregon. On the morning of that day, the Indian warriors under the command of Chiefs John and Limpy started on the warpath. Their first act was to murder William Going, a teamster employed on the reservation, about two o'clock in the morning. They thence proceeded down the river on the Oregon and California road. Their first attack was upon the camp of a train loaded with mill irons, near Jewett's Ferry, where they killed a Mr. Hamilton, who was in charge, and severely wounded his companion, who was shot in four places. They fired upon Jewett's house, but finding it too well protected proceeded to Evans' Ferry, which they reached about daybreak. Here they shot Isaac Shelton, from the Willamette, bound for Yreka, who died after lingering twenty hours. A short distance from Evans' they met and killed a drover with beef cattle. They next reached the house of Mr. Jones, who was shot dead in his yard. Mrs. Jones was shot through the body. She ran for the brush, pursued by an Indian, who shot her again while begging for her life, and left her for dead. She was found alive not long after by the volunteers and taken to a place of safety, but died the next day. The Indians burned the house after plundering it. Between Jones' and Waggoner's they killed four men, two of whom were driving a wagon loaded with apples. They burned the wagon and contents, destroyed the harness and appropriated the horses.

On reaching Waggoner's, they were joined by Chief George's band of Indians, who had been camped on the creek near his house for some months, always professing friendship for the Whites. Early that morning, Mr. Waggoner left home to escort Miss Pellet, a traveling temperance lecturer, to Illinois valley, leaving his wife and four-year-old daughter in perfect security, as he supposed, under the protection of Chief George, who had always been a favored guest at his house. Upon the arrival of the war party, Mrs. Waggoner and child were murdered, and the house burned over them. The barn and all the outbuildings were also burned.

From this point they went to the house of George W. Harris, a few miles beyond. Mr. Harris was making shingles near the house; and Mrs. Harris was engaged in washing behind the house. About nine o'clock, according to the statement of Mrs. Harris, her husband hastily entered the house with an axe in his hand, stating that the house was surrounded by Indians, whose manner indicated they were warlike. He seized his wife; but while endeavoring to shut the door, he was shot through the breast by a rifle ball. He twice after fired his rifle mechanically and fell upon the floor. His daughter, eleven years of age, seeing her father shot, went to the door, when she was shot through the right arm between the shoulder and the elbow. The husband reviving, advised his wife to bar the doors and load the guns, of which there was a rifle, a shotgun, a revolver and three pistols. Mrs. Harris secured the doors, but told

her husband she had never loaded a gun in her life. Mr. Harris instructed her how to load the weapons and expired. This brave woman, left to her own resources, commenced a sharp firing upon the savages, who, having burnt the outbuildings, were endeavoring to fire the house. She thus continued to defend herself and daughter, she watching at one end of the house and the child the other, for *eight hours*, and until about sundown, when the savages, being attracted by a firing on the flats about a mile below the house, left to discover whence it proceeded. She embraced the opportunity and fled to a thicket of willows which grew along a spring branch near the house, taking with her only a holster pistol. She and her daughter had barely secreted themselves when the Indians, eighteen in number, all armed with rifles, returned, and, finding the house abandoned, commenced scouring the thicket. Upon their near approach to her hiding place she fired her pistol, which caused a general stampede. This was repeated several times, and always with the same result until finally, surrounding the thicket, they remained till daylight. Her ammunition was now exhausted; but she retained her position until the volunteers arrived, when the Indians fled precipitately, and she was saved. Mrs. Harris had on the evening previous sent her little son, aged nine years, to the house of a neighbor. He was killed, as well as Frank Reed, the partner of Mr. Harris. This list does not include all who were murdered on that bloody day, many of whom were never heard of afterwards.

Upon the receipt of the news at Jacksonville, at least twenty men sprang into the saddle at once. They did not wait to be enrolled, consequently a full list cannot be obtained; but among them were John Drum, Henry Klippel, James D. Burnett, Wm. Dalland, Alex. Mackey, John Hulse, Angus Brown, Jack Long, A. J. Knott, Levi Knott and John Ladd. Upon their arrival at Fort Lane, they were authorized by Major Fitzgerald to go in advance as a scouting party, stating that he would follow them with his company of fifty-five dragoons in a short time. The narrative of the expedition is copied from the diary of J. D. Burnett, one of the volunteers. He says:

"We left Evans' Ferry at two o'clock on the morning of the 10th of October. The first body found was the body of Jones, whose body had been nearly eaten up by the hogs; the next were Cartwright and his partner, the apple men. As they neared the creek on which Waggoner's house had been situated, they found the Indians were still there. The volunteers crossed the creek, which was thickly bordered by willows, when they met about twenty Indians on horseback, drawn up in line of battle, with a battle flag. The Indians challenged the volunteers to fight, which was quickly accepted; but as the volunteers charged, Major Fitzgerald broke through the willows, and with his dragoons joined in the movement. The Indians suddenly retreated, but too late. Seven were left dead on the ground, and the number of wounded could not be ascertained, as the Indians fled to the mountains where the troop could not follow them, as their horses were already nearly exhausted.

"Upon reaching the Waggoner house, Mr. Burnett and Alex. Mackey found the bones of Mrs. Waggoner and her little girl on the hearthstone. Taking some bricks from the chimney, they made a small vault, into which they deposited the remains with the intention of removing them upon their return and giving them decent burial. Upon their return, they found the Indians had taken the bones to a large pine stump near the house and crushed them to powder. Upon reaching Harris's ranch, they found Harris dead in the house, and soon discovered Mrs. Harris and her daughter coming toward them from a willow thicket near by. The girl had been shot in the arm; and both were in a deplorable



COL. HENRY LANDES,
PORT TOWNSEND, W. T.

condition. After they had buried Mr. Harris, the company was ordered back to take the woman to a place of safety, and to gather up the dead. On the next day, they returned to take care of three wagons belonging to Mr. Knott, which were loaded with merchandise, but found them all burned with their contents and the teams driven off. In searching the surrounding country, they came to the house of Mr. Haines, where they found Haines and his young son killed; but Mrs. Haines could not be found. As she was never afterwards heard of, she undoubtedly met the fate of Mrs. Waggoner."

There could no longer be any doubt as to the disposition of the savages. Captain Smith of fort Lane, in a letter to the Adjutant-General at Benicia, dated October 14, 1855, said: "All we can do yet for a few days will be to furnish protection to the settlers most exposed, or until they can arm themselves and get together for mutual protection. There are but few arms of any description in the hands of the settlers; and I shall have to provide them with such of my old musketoons as I can spare. A large majority of the Indians are well armed with good rifles of different descriptions. Chiefs Sam, Elijah and Sambo, with upwards of three hundred of their men, women and children, are now at this post under our protection, and will take no part in the war. Chiefs John, Limpy and George, with all their people, are proscribed. We have a very mountainous country to operate in."

The news of the outbreak was rapidly conveyed northward, and was received in the Cow creek valley the same day. A number of travelers, catching the alarm, assembled at Smith's house, about five miles from Elliff's place, at the south end of the Umpqua cañon. J. H. Rinearson at once proceeded to organize a company of volunteers of more than thirty men. Rinearson was chosen Captain, and Chas. Johnson Lieutenant. Hardy Elliff, Stephen Mynatt, Smith, Turner and Redfield, all settlers of the valley, were among the number. At this time Mr. Lawler, a miner on Lower Grave creek, arrived in camp and informed the Captain that the raid of the Indians had been continued down Grave creek. Captain Rinearson, leaving a sufficient number of men to guard the houses of Smith and Levins on Cow creek, proceeded at once to the locality. Just below Lawler's cabin, they were fired upon by the Indians; but, upon the firing being briskly returned, they retreated. Proceeding a short distance further, they found the dead bodies of two miners, which they buried and returned to the road. From this point, they went south to Harris's ranch, where they met the command of Major Fitzgerald, when they returned as far as the Six Bit House, where they remained a few days to guard the road.

On the 17th of October, the Indians attacked the miners on Gallice creek, numbering about twenty-five men. The miners hearing of the outbreak, as they had no means of leaving, determined to defend themselves as best they could. The two houses, which were constructed with split boards, offered no means of defense; and the log corral was little better. They dug a ditch and threw up a breastwork; but before this was finished, early in the morning, the hostiles made the attack, which lasted all day. The loss of the besieged was three men killed: J. W. Pickett, Israel B. Adams and Samuel Sanders. Among the wounded were Ben Tuffts, who soon died, Wm. B. Lewis, W. A. Moore, Allen Evans, John Enixon, Louis Davis, Milton Blackenridge and Umpqua Joe, a friendly Indian. The Indians retired at nightfall, of which the Whites took advantage to increase their defenses. Upon the return of the Indians in the morning, finding the increased means of defense, and warned, of course, of the succor that was approaching, they fired a few guns and retreated. Jack Collins and Ben Gentry, who were sent from Gallice creek as messengers, reported the attack to Captain Rinearson at his camp on Jump-off-Joe;

and the Captain immediately went to the rescue with his company. Upon their arrival, they found that the Indians had retreated. A short time afterwards, a detachment of regular troops under Captain Smith having arrived, the survivors, including one woman, Mrs. Pickett, with the wounded, were intrusted to their care; and Captain Rinearson returned to his camp on the road near the house of Mrs. Miday.

Lieutenant H. G. Gibson of the Fourth Artillery, with sixty men, who had acted as escort for Lieutenant Williamson on his survey east of the Cascade Mountains, was returning to Benicia by the Oregon road, and was encamped at Winchester when the news of the outbreak on the ninth was received. He at once proceeded to Fort Lane with his command.

On the 10th of October, A. V. Kautz, U. S. Army, with ten men and a guide, started from Port Orford to make an examination of a proposed road to Jacksonville, being entirely unaware of the Indian difficulties. He took a due east course, and in thirty miles reached the big bend of Rogue river. On his arrival, he found the settlers in great alarm from a threatened attack of a large body of hostile Indians from the valley above. It appears that some friendly Indians had come down the valley from Grave creek and warned the settlers to leave; that the Indians had already come down the valley and killed Dr. Reavis on his ranch, and were going to burn his trading post, about four miles below. The settlers, who lived only a short distance below the trading post, did not credit the report at first; but a number of them, accompanied by the Indians who had brought the report, went up to ascertain the truth of the matter. Going up the hill carefully, not far from the store, they beheld the house in flames, and some sixty or more Indians dancing the war dance around it. The Indians told them that the war party, after killing the Doctor, came on to the store, where there was a young man, whose name was known only as Sam, and only one or two others near. The savages told Sam they had come to kill him. Thinking they were in jest, he made no attempt at resistance. They did as they threatened,—*cut him in quarters and salted him.* After taking what flour and other articles they wanted, they set fire to the building. The party who had witnessed the burning fled in all haste, and met Lieutenant Kautz and his party at Big Bend, who at once put his men in a good log house, with nine guns and all the ammunition and stores he had, and left with his guide for Port Orford, where he arrived at one o'clock A. M. on the 16th. He returned immediately with arms, etc., intending to reach his camp at the bend the same night, preparatory to a resistance to the further advance of the hostile party. The foregoing statement of Kautz's expedition is taken from the official report of R. W. Dunbar, Indian agent at Port Orford. Lieutenant Kautz soon returned to Port Orford, induced by the reports of the Indian agents, which represented the disposition of the savages at the mouth of Rogue river and vicinity to be very threatening to the peace of that section.

The belief that all the hostiles had gone down Rogue river to a place of safety was dispelled on the 24th of October, when the Cow creek Indians, supposed to be friendly, made their outbreak. They first attacked a wagon train consisting of three ox teams and a drove of hogs belonging to the Bailey Brothers of Lane county. The train had just safely crossed Cow creek on the military road when they were fired upon. H. Bailey was instantly killed, and Z. Bailey and three others wounded. Several of the employés in the rear of the train escaped unhurt. John Redfield, who lived on the north side of the crossing of Cow creek, hearing the firing, hitched up his team and, taking his family in a wagon, started for Smith's house, where many were collected. On the way his horses

were shot; and the remainder of the distance was on foot. He was successful in reaching Smith's house, although his wife was wounded. The Indians fired Redfield's house after plundering it, and also his barn and all his outbuildings. Lieutenant Johnson, who was at Smith's with Garrick and Mynatt, went up the mountain side near the house to discover the movements of the Indians. They had not proceeded far when they were fired upon by the Indians. Johnson was fatally shot. Mynatt, in going to his relief, was also very badly wounded. Captain Hardy Elliff, under the protection of the guns of the camp, climbed the mountain and brought Mynatt to the house, where he died the next day. The body of Johnson was stripped, scalped and mutilated, but was afterwards decently buried. All the houses, barns and outhouses in the Cow creek valley, with the exception of Smith's and Levins', which were ably defended, were burned, and the settlers' stock stolen, killed or driven off.

Captain Rinearson, whose camp was on Jump-off-Joe about fifteen miles south of Cow creek, was first informed of the attack by Fleming R. Hill, who left his camp in the afternoon and returned after dark, reporting the killing of Bailey. Captain Rinearson, with his company, immediately left for the scene of the murder, which they reached before daybreak. The oxen of the three teams of Bailey were lying in the road where they had been shot down in the yoke, and the hogs running around. Upon crossing Cow creek, they found all the houses burned except Smith's and Levins'; but the Indians had disappeared. The Rev. J. W. Miller of the Methodist church, with his wife, who were at Levins' at the time of the attack, were sent under an escort, commanded by F. M. Tibbats of Rinearson's company, to their home in the Umpqua valley. It is said that on this occasion the reverend gentleman fought as well as prayed.

As soon as the war became an established fact, Geo. L. Curry, Governor of Oregon, issued a proclamation for nine companies of mounted volunteers for the defense of Southern Oregon, four companies to be raised in Jackson county, who were to rendezvous at Jacksonville and elect a major. This was to be designated as the Southern battalion. The Northern battalion was to consist of five companies, two from Lane, one from Linn, one from Umpqua and one from Douglas, who were to meet at Roseburg and elect their major. Each volunteer was to furnish his own *horse, arms and equipments;* and they were to elect their own officers. This proclamation was dated at Portland, Oregon, October 15, 1855; but, before it reached its destination, more than a dozen companies had been enlisted and enrolled by Colonel John E. Ross. The names of the captains of the companies were as follows: Company A, L. S. Harris; Company B, James Bruce; Company C, J. S. Rinearson; Company D, R. L. Williamson; Company E, W. B. Lewis; Company F, A. S. Walton; Company G, Miles T. Alcoon; Company H, W. A. Wilkinson; Company I, I. T. Smith; Company K, S. A. Frye; Company L, Abel George; Company M, F. R. Hill. The muster rolls of all these companies included nearly eight hundred men. It is safe to say that every able-bodied man in the district, of proper age, who could command a gun, placed his name on the rolls. The first companies organized under the proclamation of the governor were the Lane county company: Captain Joseph Bailey, First Lieutenant D. W. Keith, Second Lieutenant Cy. Mulkey, of seventy men; and the Douglas county company, Captain Samuel Gordon, First Lieutenant Sam B. Hadley, Second Lieutenant Theodore Prather, of seventy-five men. These companies left Roseburg on the 28th and arrived at the Six Bit House on the 30th of October.

Scouting parties from both the regular and volunteer troops had on the twenty-eighth located the main body of the Indians, supposed to be between two and three hundred warriors, on a high range of rugged hills between Cow creek and Grave creek, about fifteen miles west of the road. Captain Smith at once sent word to Colonel Ross, who joined him at his camp near Grave creek late on the night of the twenty-ninth. Captain Smith had in his command one hundred and five men and three officers: First Lieutenant H. G. Gibson, Third Artillery; Second Lieutenant A. V. Kautz, Fourth Infantry; and Second Lieutenant B. Allston, First Dragoons. Colonel Ross had in his command: Captain Harris, company of forty men; Captain Bruce, thirty; Captain Welton, forty; Captain Williams, thirty; Captain Rinearson, forty; Captain Bailey, seventy; and Captain Gordon, seventy-five men; of which he took about two hundred and fifty into action.

The spies of the regulars and volunteers had located the position of the Indians on a hill extremely difficult of access. A plan of attack was agreed upon; and, in order to surprise the enemy, the movement was to be commenced at midnight. The troops moved very near the appointed time, although the orders were received late at night, and at daylight reached a high point of the mountain, where the Indians were supposed to be; but they had disappeared. After a search by scouting parties for some hours, the Indians were discovered on the top of a mountain about four miles to the north. The troops were ordered to march in that direction; and, when within half a mile, the Indians were seen drawn up in line of battle on the top of Bald Peak, awaiting their approach. The volunteers were so eager for the fray that they threw coats and blankets by the wayside; and the fleetest on foot were foremost in the assault. The first charge, which was made at ten o'clock A. M., drove the Indians from their position into the brush, from whence they poured a deadly fire into the ranks of the Whites. The battle continued throughout the day without intermission. All efforts to turn their position were unavailing, owing to the dense thicket in their rear; and the several gallant charges made by Captain Smith and his regulars only resulted in loss to the attacking party. About dark the firing ceased; and the Whites retired a short distance to obtain water for the wounded and dying.

The next morning, November 1st, about sunrise, the Indians made a desperate attack upon the camp of the Whites, which was resisted with great gallantry by both regulars and volunteers; and, at about ten o'clock A. M., the Indians were forced to retire. As soon as the fight ceased, the troops withdrew to the road, a portion to the Six Bit House, which was named Camp Bailey, and the remainder to the Grave Creek House. The retreat was more trying to the troops than the two days' engagement, since they were compelled to travel about fourteen miles over high mountains and cross deep cañons, encumbered by the wounded, having been without food for forty-eight hours, and with very little water. They arrived in camp at ten o'clock P. M. The casualties were as follows: Captain Gordon's company, Hawkins Shelton, James M. Fordice, William Wilson, severely wounded; Captain Rinearson's company, Henry Pearl, Jacob W. Miller, killed, James Pearcy, missing, W. H. Crouch, Ephraim Yager, Enoch Miller, wounded; Captain Bailey's company, John Gillespie, killed, John Walden, John C. Richardson, James Saphar, Thomas J. Aubrey, John Paukey, wounded; Captain Harris's company, Jonathan Pettigrew, killed, Ira Mayfield, L. F. Allen, Wm. Purnell, Geo. Harris, John Goldsby, Thomas Gill, wounded; Captain Bruce's company, Chas. Goodwin, wounded; Captain Welton's company, John Kennedy, wounded; Captain Williams' company, John Winters, killed, John Stannus, Thos. Ryne, wounded. Total, five killed, twenty wounded



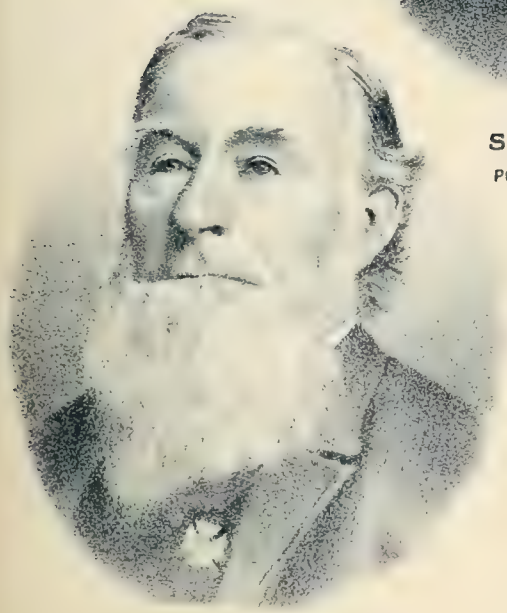
JOHN PATTISON,
COLFAX, W.T.



C. A. BRADBURY,
SEASIDE, OR.



SAMl HADLOCK,
PORT HADLOCK, W.T.



CAPT. J. H. Mc MILLEN,
EAST PORTLAND, OR.



MRS. T. B. Mc MILLEN,
EAST PORTLAND, OR.

and one missing. Of the regular troops, Captain Smith lost three men killed and five wounded; Lieutenant Kautz lost one man killed; Lieutenant Gibson of the Artillery was severely wounded in the thigh on the second day of the fight. It is unfortunate that the official report of this engagement, by Captain A. J. Smith, never reached the office of the Adjutant-General, and cannot be referred to.

There was considerable discussion at the time in regard to the failure of the attack. It failed from no event of gallantry in the officers and men of either the regulars or volunteers, but simply from the fact that it was prematurely made. The Commissary Department for the volunteers had just been appointed, but were not yet organized and could render no assistance. The troops had been hastily assembled, had no opportunity for drill or even consultation, and, worse than all, the topography of the country had not been ascertained nor the position of the enemy determined. A delay of two days would have enabled the scouts to locate the position of the Indians, as well as have furnished a strong reinforcement of volunteers, and two officers of the regular army.

The Indians retained their position on the battle ground, and held their scalp dance to celebrate their victory; but it was dearly purchased. The evidence of this is that they not only failed to pursue the retreating Whites, but left immediately for their stronghold down Rogue river. The loss of the Indians was never ascertained, but must have been at least equal to that of the troops.

On the 30th of October, William J. Martin was elected major of the Northern battalion, and on the next day left Winchester for Canyonville, where two companies of his command were encamped,—Captain Buoy of Lane county, and Captain Keeney of Linn county. At this point he also met Lieutenant George W. Crook and Lieutenant Abbott of the United States Army. Lieutenant Crook had been acting as quartermaster for Captain Williamson's expedition; and Lieutenant Abbott of the Topographical Engineers had been his assistant. They were each encumbered with pack trains, and had no escort. Under the circumstances, they gladly accepted the protection of Major Martin's command, which left Canyonville early on the morning of November 1st. The command reached Camp Bailey about sundown, just as the advance of the troops, with the wounded, were returning from Hungry Hill. The next morning, Major Martin, with Captain Buoy's company and the trains of Lieutenants Crook and Abbott, proceeded to the Grave Creek House, where he met Colonel Ross and Captain Smith. At a consultation, it was determined to make a new attack as soon as the proper preparations could be made therefor. Captain Smith returned to Fort Lane, Major Bruce with his battalion made his camp at Vannoy's Ferry on Rogue river, while Major Martin with the Northern battalion made his headquarters at Grave Creek, but divided his command in such a manner as to protect the main road, and all those points in the Umpqua valley that seemed to be in danger of attack.

Captain John K. Lamerick was appointed Acting Adjutant-General of the Southern troops, and was intrusted with the duty of mustering and organizing the force according to the proclamation of Governor Curry. On the tenth of November, 1855, he mustered in the Southern battalion, which consisted of the companies of Bruce, Williams, Wilkinson and Alcoon. The quota of the Northern battalion was completed by mustering in the Umpqua county company of ninety men, commanded by Captain W. W. Chapman.

M. M. McCarver was appointed Commissary-General, who made his headquarters at Roseburg. John F. Miller was appointed Quartermaster-General, but, having resigned to be a candidate for the Legislative Assembly, Dr. Joseph W. Drew was appointed in his

stead. After the organization, all the other companies which had been called into service under the militia law of the territory were discharged by Colonel Ross. The forces were still further weakened in November by the transfer of Major E. H. Fitzgerald, with his company of the First Dragoons, from Fort Lane to The Dalles.

After the troops had been supplied with ammunition and provisions, and the position of the Indians having been ascertained to be at the little meadows on Lower Rogue river, Majors Bruce and Martin determined to attack them, which plan of campaign was indorsed by Captain Smith, who ordered Captain Judah, who had recently arrived from Fort Jones with his company, to join in the movement The command started from Grave Creek, down the trail along the north side of Rogue river. When near the Meadows, it was discovered that the main stronghold of the savages was upon the south side. It was therefore ordered that Major Bruce's command, with Captain Keeney's company of Major Martin's command, should cross the river some miles below the Indian encampment and attack them in the rear, while Major Martin's command, and Captain Judah with the mountain howitzers, should reach a point opposite. On the morning of the 27th, Major Bruce attempted to throw his division across the river, but, while constructing rafts for this purpose, was fired upon by the Indians upon the opposite bank. A sharp fire was kept up all day with little effect upon the Indians, as they were concealed by a dense thicket of brush; and, having lost one man killed, Wm. Lewis, of Captain Keeney's company, and five wounded, he made no further attempt to cross, and sent a dispatch to Captain Judah. The report of Captain Judah to Captain Smith explains more fully the whole circumstances. He says:

"On the 18th of November, I left Fort Lane with fifty men. I was joined at Grave Creek by four hundred volunteers, with whom I pushed on over a rough and mountainous country to what are called the Meadows, upon Rogue river, consisting of bald hills or mountains covered with grass. The Indians, from the most reliable authority, to the number of two hundred, were found posted in a cañon upon the opposite side of the river, about five miles above our camp, and in an almost impregnable position. An attack was organized; and, on the 26th of November, I started from my camp with my command and the howitzer, accompanied by one hundred and thirty volunteers, to gain a position upon a sharp ridge running down in front of their camp, from which I might use the field piece. I had proceeded to a point within two miles of my position when an express reached me from Major Bruce, commanding the Southern battalion of O. T. Volunteers, to the effect that the command destined to cross the river and occupy the rear of the enemy's position was opposed in crossing, and that the services of my command and the howitzer were immediately necessary to protect the passage of the command over Rogue river. I marched back a distance of twelve miles, arriving at camp after midnight, when a crossing was abandoned. A severe snowstorm rendering it necessary to leave upon the subsequent day or lose my animals induced me to return without delay to Fort Lane."

When Captain Judah left Fort Lane, Captain Smith had but twenty-five men on duty at the post. Upon the arrival of Lieutenant Underwood with a company of infantry, Captain Smith resolved to go to his relief, as he had become anxious for the safety of his command. On the 28th of November, the captain left Fort Lane with forty-four men, Lieutenant Sweitzer, Surgeon C. H. Crane and L. F. Mosher, who served as a volunteer, accompanying the expedition. It was raining hard when the command left the post. At Grave Creek, Captain Smith sent his horses back to Fort

Lane, and the company proceeded on foot. The second night they camped at the mouth of Whiskey creek. In the morning the march was resumed in the midst of a heavy snowstorm. Upon nearing the top of the mountain on the trail, one of the mules, loaded with ammunition for the howitzer, lost his footing and went down the cañon an indefinite distance; at least it was never heard from. The order was then given to return to the valley; and that day the advance of the troops commenced to arrive from the Meadows. Captain Smith, in his dispatch to the Adjutant-General, approved the action of Captain Judah, and said: "In order to attack and route the Indians the command must be divided and their camp approached on either side of the river. I will make my arrangemens to make this attack as soon as it turns cold and the weather is settled, if I can prevail upon the Northern battalion to occupy the north side of the river." The disposition of the volunteers was the same as before the advance on the Meadows.

The division of the volunteers of the South into two separate commands was a mistake so palpable that it was singular it should ever have been made. But Governor Curry corrected it by ordering their consolidation into one regiment; and the companies were ordered to elect a colonel, lieutenant-colonel and major. The election took place at Grave Creek on the 7th of December, 1855. The candidates for colonel were Captain Robt. L. Williams and Captain L. F. Mosher. It was well understood that Captain Mosher approved of Captain Smith's plan of attack, while Captain Williams preferred to go into quarters until spring. The snow was at that time nearly two feet deep at Grave Creek, and very much deeper on the Rogue river mountains; and, while the most of the Northern battalion favored a winter campaign, the Southern and Captain Keeney's company of the Northern battalion, who had just returned from the Meadows, were opposed to it. Captain Williams was elected Colonel, William J Martin, Lieutenant-Colonel, and James Bruce, Major. This election virtually ended the campaign for this year. The headquarters of the Southern battalion was established at Vannoy's, and the forces so distributed as to prevent the Indians from reaching the settlement in Jackson county; while to the Northern battalion was left the duty of protecting the road and the settlements in the Umpqua valley.

While the main body of the troops were engaged in the expedition to the Meadows, a band of Cow creek and Rogue river Indians, who were camped at the Big Bend of Cow creek, commenced killing cattle on the range. Becoming emboldened by meeting no resistance, they made a raid upon the settlers. Their first attack was upon a Mr. Yell, who in the morning had yoked up his team to haul logs, but, finding himself in the midst of a band of Indians, left his cattle and, mounting a horse, left to give the alarm, the Indians following him. Meeting I. B. Nichols, they went to give the information to Captain Gordon, after taking the family of Mr. Nichols to the fortified house of Mr. Hiat. Captain Gordon being under orders for Rogue river, could not respond to the call; and Mr. Nichols proceeded to secure volunteers, but was enabled to secure only three: Thos. Lytte, Eugene and Isaac Flint. In the morning, they were joined by a party from Myrtle Creek, consisting of Henry Adams, John Milligan, Isaac Bailey and James Weaver, and followed the trail by a dead horse or cow until they arrived at Harrison Rice's place, which had lately been attacked. Mr. Rice, being prepared, repulsed the attack; but his brother was shot in the arm, his granary and all the outbuildings burned. The party was soon after joined by a party consisting of James D. Burnett, Jeptha Green, Michael Hauley, John Dillard, William Dillard, Edward Gage, Carson McCloud and William

Booth. The Indians, upon being repulsed from the Rices', burnt the schoolhouse and proceeded up the valley of Ten-Mile creek, stealing all the valuable stock and property they desired, and burning all the houses that were not well defended.

The settlers followed close upon their trail; and at Kent's place, which had not been disturbed, they met J. P. Day, Sheriff, and Fred Castleman, of the Quartermaster's Department, who had left Roseburg upon the first information of the raid, in defense of the settlers. Leaving Kent's, they followed the trail until dark, and saw them fire the last house. Shortly after, they saw a campfire in a thick clump of fir timber. The party halted; and James D. Burnett and Pat Day made a reconnoisance. By moving quietly, and crawling the last portion of the distance, they were enabled to obtain a full view of the enemy's position. Upon their return, the attack was deferred until the next morning; and, as they had eaten nothing since morning, they retired to the house of Mr. C. Cullough, two miles distant, for supper. Here they met Sergeant Thomas Holland and eighteen men of Captain Bailey's company, who stated that the Indians had been there the day before and challenged them to fight; but that he had refused, as the Indians outnumbered his command. While here, a plan of attack was agreed upon, which was to be made at daylight. The camp of the Indians was on the west side of the creek; and Holland was to cross the creek below and come up on the east side to cut off their retreat, while the settlers would approach a large fir log which lay near the Indian camp. Just before daylight, the Whites had arrived near the log, when a gun was fired and a charge was made by the Whites. The Indians ran to the log and fired a volley, severely wounding Fred Castleman and slightly wounding J. D. Burnett, when they retreated, leaving three killed, as well as all the horses, guns and other plunder captured on the raid. Some of the party followed the Indians toward their camp at the Big Bend; but a heavy fall of snow checked the pursuit.

A tribe of Indians no less dangerous, known as Jake's tribe, lived in the neighborhood of Butte creek in Jackson county. While professing friendship, they had always refused to go upon the reservation, or place themselves in charge of the Indian agents. They were known to be thieves, and were a standing menace to the Whites. One of their rancherias was situated on the north side of Rogue river, just below the mouth of Big Butte creek. On the night of the 23d of December, a detachment of Captain Rices' company numbering thirty-four men made a night march, and at daylight made a successful attack upon the camp, killing nineteen warriors, and capturing twenty squaws and children. The rancheria was burned. The other part of the tribe was camped on the other side of Rogue river, between Big and Little Butte creeks. At the same time that Rice made his attack on one camp, Captain Alcoon with a part of his company also made a night attack upon the other with equal success, killing eight warriors, capturing two, besides the women and children. The captives were turned over to the Indian agent at Fort Lane.

Besides the war, there were but few matters of interest occurring in Southern Oregon during the year 1855. In December, the *Umpqua Herald* was removed from Scottsburg to Jacksonville, and published as the *Table Rock Sentinel* by T'Vault, Taylor and Blakesley, the first two being the editors.

The latter part of the year was remarkable not only from the amount of snowfall, but for being intensely cold. On the last three days of the year, the thermometer in the Rogue river and Umpqua valleys marked as low as three degrees below zero.



ISAAC CATHCART, ESQ.,

SNOHOMISH, W. T.

Chapter XLVIII.

(1856.)

The Indian War in Southern Oregon Continued (1)—New Year's Day Finds the Savages Committing Depredations—Conduct of the Military and Volunteers—Major Bruce in the Field—Another Fight With the Savages—Pursuing the Indians—The Volunteers Ambushed—Reorganization of the Militia—John Kelsay, Colonel, and W. W. Chapman, Lieutenant-Colonel, of the New Regiment—A Flag of Truce Protects the Murderous Savages—Renewal of the Campaign Against the Indians—Captain Poland's Company of Volunteers Surprised and Butchered—Depredations by the Indians, and Efforts at Self-Protection by the Settlers—Treachery of Enos—The Big Bend of Rogue River—A Great Battle at That Point—Valor of the Volunteers Saves the Regulars From Annihilation—Surrender of the Indians—Close of the War.

THE year of 1856 opened much less auspiciously than the previous one. The ground was still covered with snow, although the weather was milder; while the Indian difficulties were apparently no nearer a settlement than when commenced in October of the preceding year. The withdrawal of the troops from an offensive campaign gave to Chief John, the leader of the hostiles, the desired opportunity to rob, kill and burn, as well as to supply his warriors with food; while the uncertainty as to the point of the next attack rendered travel unsafe, and much embarrassed every branch of business.

On the first day of January, Major Bruce was informed that a band of Indians had taken possession of three log cabins on Starr gulch, a branch of Applegate creek, and were committing depredations from that point. The Major at once ordered Captain Rice to proceed there with his company. Upon reconnoitering the place, it was found that the cabins were held and so well fortified by the Indians that small arms would have no effect. Word was immediately sent to Fort Lane; and Captain Smith at once ordered Lieutenant Underwood and Lieutenant Hazen, with thirty-five men, in charge of the howitzer, to proceed to that point. On their way they were joined by many citizens, among whom were Martin Angell and Mr. Walker, who were riding nearly two hundred yards ahead of the command, when, at a point about two miles from Jacksonville, they were fired upon by the Indians. Angell was killed instantly, having received four bullets in his head and neck, but Walker escaped without injury. The Indians were immediately pursued, but easily made their escape up the mountain, through the chaparral, and were soon beyond gunshot. This was not the only misfortune experienced by the command. On the forward march to Applegate, the mule packed with the ammunition for the howitzer fell off a cliff into Applegate creek, and was killed, and the ammunition spoiled. An express was at once sent to Fort Lane for more; and Lieutenant Sweitzer and sixteen dragoons

1 In the biography of Colonel W. W. Chapman, in another volume of this work will be found [illegible] which was written at the dictation of and approved by Colonel Chapman, who was an active participant in the [illegible]. The Colonel is now in his eighty second year, but his memory and other mental faculties are [illegible]

left Fort Lane with the necessary ammunition, the transportation being furnished by the quartermaster of the volunteers, as it could not be furnished by the quartermaster at Fort Lane. The regular troops arrived at the cabins about three o'clock P. M. on the 4th of January, planted their howitzer, and sent a shell through the roof of one of the cabins which killed two Indians. It being now nearly dark, the attack was postponed until morning, a guard being placed around the cabins to prevent the escape of the Indians. The savages, finding that their quarters were getting too uncomfortable, broke through the guard about two o'clock in the morning and escaped. The force of the Indians was about thirty warriors, who were well fortified, besides having dug bomb-proof chambers inside, six feet underground. The loss of the Whites was one man killed and five wounded, one having been shot through the leg at a distance of five hundred yards. On the same day that Angell was killed, Charles Hule, of Jacksonville, while hunting on the hills near town, became separated from his companions, and was also killed by the Indians.

After the escape of the Indians from their fort on Applegate, Major Bruce, who had arrived on the field, taking a portion of Alcom's, Rice's and Williams' companies, followed their trail, which led to the west. On the twenty-first, the scouting party came upon an Indian, who ran with all speed to the camp of the savages and gave the alarm, when the Indians at once prepared to fight. The scouts only numbered twenty-five men, less than half the force of the Indians, but they attacked them with great gallantry. The fighting was severe for some time, but the arrival of Lieutenant Armstrong with a small reinforcement soon compelled the Indians to retreat. The Whites lost Wiley Cash of Alcom's company, killed, and private Richardson of Williams' company, severely wounded. They also lost twelve horses killed.

On the 18th of January, Captain James Barnes of the spy company reported to Colonel W. J. Martin that quite a large force of Indians were encamped at the Big Bend of Cow creek. Colonel Martin immediately ordered Captains Bailey, Chapman and Gorden, with such forces as were available, their commands being very much scattered in order to protect the settlements, to proceed and attack the camp. The command left Cow creek on the night of the 20th of January, traveled all night and stopped all the next day in order to conceal their advance. On the twenty-second, they renewed their advance, and at midnight arrived at the Indian camp, which they found deserted. Scouts followed their trail far enough to arrive at the conclusion that the Indians had retreated to their headquarters at the Meadows; therefore the commands of Captains Chapman and Gorden returned to the settlements, leaving Captain Bailey and his company, with a small detachment of Captain Buoy's company, under the command of Lieutenant Noland, to guard against any attack of the Indians from that direction. On the night of the twenty-third, Captain Bailey's command, deeming the enemy far away, built a large fire, around which they were indulging in athletic sports to keep themselves warm. While thus engaged, the Indians, who had followed the volunteers as soon as their retrograde movement was made, fired into the camp, instantly killing John L. Gardiner of Lane county, mortally wounding Thos. Gage, and seriously wounding Jere. Taylor of Douglas county. The Whites being in the full light of the fire, and the Indians concealed by the brush and in the dark, it became necessary for the Whites also to retire to the brush, where they laid upon their arms till morning. The Indians made no further attack; and Captain Bailey, having ascertained in the morning that the main body of the Indians were present, fell back and rejoined the other companies.

About the middle of January, 1856, Colonel Williams ordered the headquarters of the Southern regiment to be removed from Vannoy's ferry to Drew's farm on Bear creek, several miles east of Fort Lane. The object of such a movement is not apparent. In a military point of view, it was unpardonable. The defensive policy had already proved disastrous to the Whites upon many occasions; while the abandonment of Fort Vannoy, which was the key to the position, left the whole of the valley of Rogue river and its tributaries at the mercy of the savages. The protest of the officers and the citizens was at least heard by the Legislative Assembly; and on the 26th of January an act was passed for the organization of the militia, under which John K. Lamerick was elected Brigadier-General of the southern forces, M. M. McCarver, Commissary-General, Jos. S. Drew, Quartermaster-General and Dr. Backwell, Surgeon-General. The term of service of the companies having expired, many of the men desired to be discharged, especially in the Northern battalion, whose farms and families required their presence. These were accordingly discharged; and on the 12th of February, General Lamerick, by order of the governor, issued a proclamation for the enlistment of four new companies to reinforce the Northern battalion, two companies from Lane and Benton counties conjointly, and one company each from Linn and Douglas counties. The new regiment was soon recruited. The company from Lane county was mustered in on February 13th, Wm. H. Latshaw, Captain; that from Benton county February 18th, John Kelsay, Captain; the Douglas county company a few days later, Ed. Sheffield, Captain. The companies of Captain W. W. Chapman, Captain Laban Buoy and Captain Dan Barnes of the Northern battalion remained in the field.

The Southern battalion nearly all re-enlisted, and was increased by the companies of Captain M. M. Williams, Captain Mike Bushey and Captain Abel George. The regiment was organized, March 18, 1856, by the election of John Kelsay, Colonel; William W. Chapman, Lieutenant-Colonel; James Bruce, Major; William H. Latshaw, Major of first recruiting battalion; E. L. Massey, Major of second recruiting battalion. Lieutenant Colonel Wm. J. Martin, having been appointed receiver of the Umpqua land-office, was compelled to leave the field. The companies of the new regiment were distributed much in the same manner as before to protect the settlements, the Northern battalion taking positions on Grave creek, Cow creek, Camas valley and other points; while the Southern battalion was distributed in Rogue river and Illinois valleys until such time as the commissary and quartermaster generals could provide the means for an aggressive campaign. The performance of this duty was very much impeded by the very bad weather of February and March. About the 20th of February, Chief Limpy and thirty of his warriors, well armed, came to Fort Lane with a flag of truce. They there announced that their object was to secure the surrender of some of their squaws who were held as prisoners by the Indian agent. They had no desire for peace, and declared their confidence in being able to conquer the Whites. Upon their request being refused, they were permitted to return unharmed to their headquarters on lower Rogue river. In allowing these savages, who had never spared a kneeling woman or an innocent child, the benefit of the rules of civilized warfare, Captain Smith exhibited a degree of magnanimity which he had an opportunity to regret a few months later at the Big Bend of Rogue river.

On February 23, 1856, Chief Sam with all his band of friendly Indians, who had been encamped at Fort Lane since the outbreak of October previous, left for their reservation in the Willamette valley, escorted by one hundred and six regular soldiers under the command of Lieutenants Underwood and Hazen. They were not attacked

either by the hostile Indians or the volunteers, as was feared, although, before reaching the Grave creek hills, one Indian, while searching for his horse outside of camp, was shot and killed by some person unknown. The removal of these Indians was a source of relief to the settlers, who, knowing the Indian character, were uncertain at what moment their friendship would change to deadly hostility; while the Indian agent and Captain Smith at Fort Lane were in constant dread of an attack upon them either by the hostiles or the volunteers. The whole band numbered four hundred, of which only eighty were men, many of them superannuated, the remainder being women and children. On the 2d of February, Indian agent R. B. Metcalfe arrived at the Grand Ronde reservation in charge of the friendly bands of Umpqua Indians, without any escort or any accident. The same could have been done with Sam's band, but for a scare which originated with General Palmer, the superintendent of Indian affairs.

As soon as it was evident that the volunteers intended to take the field in earnest, Captain Smith, who had ceased to act in accord with the volunteers, on the 13th of February made a requisition upon General Wool at San Francisco for three companies to reinforce him at Fort Lane. In compliance with this request, the steamer *Columbia* landed at Crescent City, California, on March eighth, ninety-six men of Company B, Third Artillery, under Captain Ord and Lieutenant Thrie, with Colonel Buchanan, who had been sent to take the chief command in Southern Oregon; and on the next day the same vessel landed forty-seven recruits for Major Reynolds' company at Port Orford.

Up to the month of February, the Indian tribes of the coast, by the efforts of the Indian agents and the punishment they had previously suffered, seemed disposed to remain at peace with the Whites; but it soon became evident that the emissaries of the hostiles had again been among them with dangerous effect. Special Agent E. P. Drew, who had charge of the Indians from the Siuslaw to the Coquille river, and Captain Ben Wright, who was in charge of those from Port Orford to the California line, used their utmost endeavors to prevent any combination. Drew, upon visiting his charges, found that the warriors had gone to the head of the Coquille, from which point communication with the headquarters of the hostiles at the Meadows was, to an Indian, easy. Captain Wright went up the coast as far as Port Orford, and was indefatigable in his labors. Upon his return to Rogue river, Wright went up the Big Bend to induce the Indians under his charge to remove to Port Orford, and thus keep them beyond the influence of the hostiles. Captain Poland, with a company of thirty-three volunteers, occupied a well-fortified post near the bend, from which any westward movement of the hostiles could be detected and perhaps checked. Wright, having reason to believe that his mission was successful, returned to his cabin on the south side of Rogue river; and Captain Poland with his company came with him and encamped at the same place.

At the dawn of day on the 22d of February, the camp was surprised and every man killed but two, one of whom escaped to the mouth of the river; and the other, Charles Foster, escaped by concealing himself in a thicket until dark, when he made his escape to Port Orford and reported the disaster to Major Reynolds. A number of Captain Poland's company had previously left for the mining camp at the mouth of the river and thus escaped the massacre. After this, the Indians crossed Rogue river and went up the coast as far as Port Orford, a distance of thirty miles, burning every house but one, and murdering all the inhabitants except Mrs. Geisel and her daughter, who were taken prisoners. As soon as the news reached the mouth of the river, the volunteers and all the men who had arms, which were few, proceeded at once to the



HON. ROBT. C. HILL,

PORT TOWNSEND, W.T.

camp but found the Indians had gone. They buried the dead, and on their return crossed to the north side of the river with the whole population, numbering over one hundred, and took refuge in some warehouses which had been slightly fortified. They had but few arms and but four days' provisions. Major Reynolds, in command of Port Orford, had but about thirty men, which force was barely sufficient, with the citizens, to protect that place, and could render no assistance to Rogue river. A whale boat was sent from Port Orford to communicate with them; but, in attempting to land, it was swamped, and the crew drowned. Captain Tichenor tried to reach them with the schooner *Nellie*, but owing to the heavy wind failed to do so. The killed were: Ben Wright, Indian Agent; John Poland, Captain of volunteers; Pat. McCullough, Pat. McClusky, John Idles, Henry Lawrence, Barney Castle, Guy C. Holcomb, Joseph Wilkinson, Joseph Wagner, E. W. Howe, J. H. Braun, John Geisel and four children, his wife and daughter taken prisoners (soon exchanged), Martin Reed, George Reed, Lorenzo Warner, Samuel Hendrick and a negro, name unknown. These were killed in the first attack. Soon after the list was increased with the names of Henry Bullen, L. W. Oliver, Daniel Richardson, Adolf Schmoldt and George Trickey, to which may be added the names of the drowned: H. C. Gerow, merchant, John O'Brien, miner, Sylvester Long, farmer, William Thompson, Richard Gay, boatmen, and Felix McCue.

This massacre exhibited a depth of treachery which was scarcely credible, even to those who best understood the Indian character. The number of Indians making the attack, according to Foster, who, from his hiding place, had full opportunity to see all their movements, was about three hundred, the most of whom belonged to a tribe under Wright's care, which had received special favors from him; and the remainder were warriors from John's band, all under the leadership of Eneas, or Enos, as he was generally called by the Whites. Enos was a Canadian Indian, who was with Frémont when he was attacked by the Modocs at Klamath Lake in 1845, and was favorably mentioned by him. He acted as scout for Wright when he made the attack upon the Modoc Indians in 1852, and while acting as Indian agent at Rogue river was his most trusted agent. It was upon the efforts of Enos that Wright chiefly relied to prevent the Tootootenais, his wards, from joining the hostiles; and it was upon his assurance of their fidelity that he returned to the mouth of the river. On the morning of the twenty-second, Enos entered the quarters of Captain Wright, unsuspected of treachery, and killed him with an axe, which was the signal for the general massacre. He afterwards mutilated the body, cut out his heart and ate a portion of it. It is said that Chetcoe Jennie, a squaw who was acting as interpreter for Wright, at a salary of five hundred dollars a year from the Indian Department, also joined in the repast.

Chief John, after the accession of Enos and the coast Indians, had too strong a force to remain idle at his headquarters, and consequently sent a strong force to his old camp on Deer creek and through the Illinois valley. On the 12th of February, they killed John Guess while plowing on the farm of Dr. Smith on Deer creek, and left him dead in the furrow. On Sunday, March 23d, they ambushed and killed two travelers, Wright, a partner of Vannoy's, and Private Olney of O'Neal's company, at the foot of Eight Dollar Mountain; and an hour later the same band met a party of five upon whom they fired, mortally wounding John Davis. Word was sent to Vannoy's, to which place the headquarters of the Southern battalion had been lately removed; and Lieutenant-Colonel Chapman at once ordered Major Bruce to move against the Indians. Captain O'Neal's company, which was nearest the scene of action, was sent to Hays' ranch, as there were

few men to defend that post. Just before reaching it they met the Indians and had a sharp fight, in which Private Caldwell was mortally wounded. The Whites reached the fort, which the Indians surrounded until night, when they left to capture Evans' pack train, which was coming from Crescent City. They killed a Mexican packer and wounded Evans. Evans escaped to Reeves' ranch; but the mules and packs were all captured by the Indians, who thereby obtained a large amount of provisions and clothing.

Major Bruce, with the companies of Alcom, Rice, M. M. Williams and Abel George, came up with the enemy on the 25th of March. Major Bruce and Dr. Barkwell, the surgeon, with a portion of Williams' company, were in advance of the main body, when the Indians fired upon them, killing two men and shooting down several horses. This small party dismounted and returned the fire, which they briskly kept up for more than half an hour; but the Indians, numbering over one hundred, still pressing them, they were compelled to fall back. When the main body of the volunteers came up, the Indians retired and the Whites took possession of the field. The Whites had three men killed, Privates Collins, Phillips and John McCarty, none wounded. The loss of the Indians was unknown, but was supposed to be much larger. Dr. Barkwell had his horse shot and captured, as well as all the instruments and medicines he had with him.

About the same time, Chief John sent a band of warriors into the Umpqua valley for the purpose of stealing horses and cattle, as it afterwards appeared. The number engaged in the raid was about fifty, and was composed of those who were most familiar with the country. They entered Camas valley, but, avoiding the settlements, crossed over to the valley of Ollala, thence around the fortified camps at Rice's, Willis' and McCullough's, stealing horses and mules and killing cattle along their entire route. Their trail was first discovered on the 18th of March, by Lieutenant James Moore of Buoy's company, in the lower end of Camas valley. Following the trail, he sent a messenger to Captain Buoy, the larger portion of whose company was stationed at Fort McCullough. Captain Buoy sent several detachments in various directions to intercept them; but they all failed to come up with them until they found them on the twenty-second in Camas valley, with their stolen stock with them. Here the Indians attacked Fort Martindale, which was defended by ten men of Buoy's company, who returned their fire very briskly. While a portion of the Indians attacked the fort, the rest were engaged in driving off and killing stock; and they also burned the houses of William P. Day and Adam Day, a few miles from the fort. When the detachments of Captain Buoy's company arrived, the Indians exchanged shots with them until the horses and cattle had been started on the trail to the Meadows, when they retreated. Captain Buoy himself having arrived, the pursuit of the Indians was commenced. The company was divided, the Captain being in command of one party and Lieutenant Moore of the other, with whom were several settlers, among them being Robert Phipps, Bent Kent and others. When about four miles below the valley, on the headwaters of the Coquille river, just after daybreak, they heard the voices of the Indians in their camp, preparing to move. Captain Buoy ordered Lieutenant Moore to proceed down the stream and charge them, while he went to the left to turn their flank and cut off their retreat. The Indians were unaware of the approach of the troops until fired upon by the forces of Lieutenant Moore. They made a stand, however, until the stolen stock was well on the trail, when they retreated with the loss of several killed. Owing to Captain Buoy's ignorance of the topography of the country, his movement to the left failed to cut off their retreat, and the stock was driven to the Meadows. The troops had no one injured.

Major Reynolds, U. S. Army, having been reinforced slightly by General Wool, relieved the people at the mouth of Rogue river, and on the 25th of March went up Rogue river with one company to burn the lodges of the Tootootenais. In this he succeeded, but on his return was fired upon by the Indians from the brush. The Indians were charged, and driven from their position at the point of the bayonet, losing eight or ten killed, the troops having two privates wounded.

On the 1st of April, a company of volunteers from Port Orford, under Captain Creighton, who had been ordered to bring back some of the Coquille Indians who had left the Port Orford reservation to join the hostiles, came upon them near the mouth of the Coquille, and after a well-fought battle killed all but two (about twenty), and captured forty squaws and children.

The movement of the regular and volunteer troops from the coast, as well as the closing of their supplies from the east, by a circle of volunteers that was slowly but surely closing around them, induced Chief John to concentrate his forces in that country which he deemed inaccessible to civilized troops, lying about the Big Bend of Rogue river and including the mountainous and rocky region called the Big and Little Meadows. In this he was no doubt very much influenced by Enos, who was perfectly familiar with the plans of both the regulars and volunteers.

General Lamerick, having discovered by his scouts that the enemy were in front of him, determined on an advance, and issued orders to his troops accordingly. These are indicated in a letter to Governor Curry of the date of April 15, 1856, of which the following is a copy: "I have just returned from the Southern battalion. The spy company from that battalion had just got in and brought the intelligence that Old John's Indians had gone to the Meadows, their stronghold. I have ordered Lieutenant-Colonel Chapman and Major Bruce to move with the entire strength of the battalion. They will leave to-morrow with tools and provisions sufficient to besiege the Indians in their fortress, if it should be necessary. The troops take with them twenty-five days' rations. I am happy to state that the troops are in fine health and under good discipline, a thing much to be desired. I am now making preparations to move with the Northern battalion the day after to-morrow, to meet the Southern battalion at the Meadows. The Southern battalion will go down on the south side of Rogue river. The Northern battalion will start from this place (Fort Leland) and march by way of Hungry hill and Whiskey creek. I will accompany this battalion myself. Everything seems to bid fair for a successful campaign. I have good reasons to believe that General Wool has issued orders to the United States troops not to act in concert with the volunteers. But the officers at Fort Lane told me they would, wherever they met me, most cordially co-operate with any volunteers that I had command of. There is now under command of Colonel Kelsay sixty men scouring the country from Hungry hill to the Meadows. There is also a detachment of thirty men under Captain Sheffield scouring the country from Hungry hill to the Big Bend of Cow creek."

On the 21st of April, the companies of Captain Keith of Lane county, seventy-one men, and Captain Blakely of Linn county, sixty-six men, which had been delayed for want of arms, arrived at Roseburg. At this place they were met by an order from General Lamerick to march at once to the Meadows by the way of Fort Martin in Canas valley. They left early in the morning of the twenty-second. The Northern battalion reached the Little Meadows without meeting the enemy in force; and the Southern battalion reached Peavine Mountain, on the south side of the river about twelve miles

above, without seeing any Indians. While in camp at the Little Meadows, the country in front was reconnoitered; and it was found that large numbers of Indians were camped in the brushy and rocky country below and at the Big Meadows on the north side of the river. Major Bruce was ordered to cross the river and join the rest of the command. A forward movement was then made to the Big Meadows; and it was found that the Indians had abandoned their stronghold. After several days spent in reconnoitering, it was discovered that the enemy had changed their headquarters to a bar on the south side of the river, about three miles below.

After consultation, it was determined to attack them on the twenty-seventh, Colonel Kelsay to attack in front, while Major Bruce was to cross the river above and cut off their retreat. Early in the morning, Colonel Kelsay, with about one hundred and fifty men of the Northern battalion, descended to the bank of the river opposite their camp, concealed by a heavy fog, and deploying his men opened a heavy fire. The Indians were taken completely by surprise, and in the confusion of moving the women and children, with their camp equipage, which the former carried on their backs, to a place of safety over the mountain, were unable for some time to return the fire. Major Bruce with his battalion, having for some reason been unable to cross the river, came down towards the bar and opened a cross fire upon the Indians, who had now taken refuge in the timber behind the bar. The firing was continued throughout the day; but, as there was no means of crossing the river, the victory was not as complete as it would otherwise have been. The loss of the Indians was at least fifty killed, that of the troops, one man of Wilkinson's company, Elias D. Mercer, mortally wounded, and John H. Clifton of Sheffield's company, wounded. The force of the Indians was about five hundred.

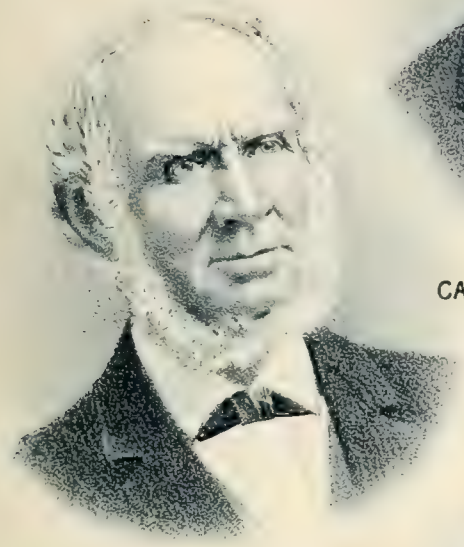
The fight was recommenced on the twenty-eighth; but the Indians were exceedingly cautious, their object appearing to be only to prevent the troops crossing and to secure their retreat. On the twenty-ninth, having rigged boats, the whole regiment, except Major Massey's battalion, crossed the river and searched the whole country, but the enemy had left. As it rained and snowed incessantly, it was impossible to follow their trail; and on the thirtieth the troops recrossed the river and returned to the Big Meadows. The companies of Captains Keith and Blakely arrived on the ground in the evening of the twenty-eighth. On the 27th of April McDonough Harkness, a partner in the Grave Creek House, and Waggoner, whose wife and child were murdered in the October outbreak, were carrying dispatches to General Lamerick, when they were fired upon by the Indians at Whiskey creek. Waggoner escaped with several bullet holes in his clothes; but Harkness was shot off his horse and horribly mutilated while still alive.

General Lamerick finding no further use for the large force under his command, after leaving Major Bruce in charge of constructing a fort at the Big Meadows, ordered the remainder of the troops back to the road where it would be much easier to obtain supplies, the Northern battalion by the way of Camas valley and the Southern to Fort Leland. The troops left with Major Bruce consisted of the companies of Captains Blakely, Keith, Barnes, Bledsoe and Noland, in all over two hundred effective men. The fort, which was named in honor of General Lamerick, was admirably situated for the purpose for which it was intended, and being so strongly garrisoned effectually prevented the Indians from escaping to the eastward.

General Wool, who seems to have had as great an antipathy to the volunteers as a bull to a red flag, formed a plan by which the Indian warriors of Southern Oregon were



CAPT. CHAS. H. KELLOGG.



CAPT. JOSEPH KELLOGG.



MRS. ESTELLA KELLOGG.



CAPT. ORRIN KELLOGG, JR.



CAPT. ORRIN KELLOGG, SR.



MRS. MARGARET KELLOGG.

PORTLAND, OR.

to be easily captured by the regular troops alone. The execution of the plan was confided to Brevet Lieutenant-Colonel Buchanan, Fourth Infantry, and consisted in concentrating his forces at the Big Bend of Rogue river and marching upon their stronghold at the Meadows, when the war would be at an end. The forces at his command for this purpose were two companies at Crescent City under Captain Ord and Lieutenant Jones, two companies at Port Orford under Major Reynolds and Captain Augur, lately arrived from Fort Vancouver, and a part of two companies at Fort Lane under Captain Smith, a portion of which only were available for the field, since a large number were required to garrison the different posts.

Captain Smith moved as soon as the orders were received. In his official report he says: "I then immediately organized a detachment of one hundred men from Companies C, First Dragoons, and E, Fourth Infantry, with Assistant Surgeon Crane and Lieutenant Sweitzer, and left Fort Lane on the 14th of March and proceeded to Vannoy's ferry on Rogue river, where I was to procure guides. It was my intention to follow from this point the trail I made from the coast to Rogue river valley in the summer of 1853, but was assured by my guide and many persons of experience in the mountains of the impracticability of that route so early in the season. I could find no person that would consent to guide us through on the north side of Rogue river, and, from my own knowledge of that country, believe it to be an impracticable trail for a command with any considerable number of animals. On the morning of the sixteenth, we left Rogue river and crossed over to the waters of Illinois and followed that stream down to its mouth. During the whole distance we found quite a good trail, with abundance of grass and water, at intervals from three to ten miles. I believe this will be found the most, if not the only, practicable trail from Port Orford to Upper Rogue river valley.

"As we were descending a ridge near the mouth of Illinois river on the 24th of March, as we had anticipated, the headquarters of the district Indians were discovered on the flat below. Leaving the pack train in charge of Lieutenant Sweitzer, with Company E, I moved rapidly forward with the advance guard and my company, through thick brush and timber to the point that makes out at the junction of the rivers, and found, from the appearance of their ranches, that the Indians had made a precipitate retreat. Some canoes with Indians were seen moving rapidly down the stream; and we opened a brisk fire upon them, which caused many to take to the water and others to gain the bank, with the canoes, as soon as possible. Judging from their actions, several of the Indians must have been hit, although they were distant some three hundred yards. While we were occupying this exposed point, several shots were fired at us from across Illinois river by Indians concealed in the thick brush and timber on the side of the mountain, wounding one private of Company E in the neck. We instantly returned the fire and maintained the point, when the howitzer was ordered down and two shells fired at points the Indians were supposed to occupy. In their ranches we found a variety of articles of which we took possession, and a large supply of eels and other fish, which were burnt with the ranches. The rapidity of the current, depth of the stream, and want of proper means, precluded the possibility of our gaining the opposite bank. One or more Indians were killed on the mountain side. On returning to the pack train then in camp, I was informed that Indians had been seen above the camp on the same side of the river. I immediately ordered out Lieutenant Sweitzer with Company E, who soon met the Indians within a short distance of camp, charged

them and drove them back. It was not known positively that any were killed or wounded. One private of Company E, Fourth Infantry, was wounded in the left cheek.

"I remained in camp during the twenty-fifth and twenty-sixth, hoping to hear from Colonel Buchanan, and moved on the twenty-seventh to Oak Flat, some four miles above the mouth of the Illinois river, in order to send back on our trail to search for some stores that had been lost. We left Oak Flat camp on the twenty-ninth, and proceeded to opposite the lower end of Big Bend, where we failed in effecting a crossing, and then proceeded to the upper end of the Bend, where we constructed a canvas boat and attempted to cross it with ropes, but found the current so rapid that we were foiled, with the loss of some twenty lash-ropes. I then had oars made, and we succeeded in crossing everything in about five hours on the 1st of April. On the afternoon of the 31st of March, three Indians were seen on the north side of the river, who succeeded in making their way down a bushy ravine to within about two hundred yards of where we were at work constructing the boat, and fired at us, but did no harm. One Indian was shot. A shell was fired across the river, and several men sent over; but the Indians had disappeared. Several Indians made their appearance near camp as the rear guard were about leaving it, but kept at a respectful distance until all had been crossed. The boat was stripped of its covering; and the baggage was removed some two hundred yards from the river. While we were packing up, the Indians approached the bank and fired several shots, wounding slightly one mule. On the night of the 1st of April, we encamped at the Big Bend, on the north side of Rogue river. Having no provisions on hand but a little fresh beef, I deemed it prudent to march toward the coast, and left camp on the morning of the second, with the expectation of taking the trail that comes in at the head of Bushy creek, but was taken over the Iron Spring and Bald Mountain route, impracticable for want of grass, and arrived at this post (Port Orford) late on the evening of the 5th of April. We had four days' hard rain and dense fog in the mountains, and left two mules between this place and Iron Springs, given out."

The failure of Colonel Buchanan to meet Captain Smith at Oak Flat, with all his forces, as agreed upon, came very near being a fatal mistake. It will be seen by a comparison of the dates given in the reports of General Lamerick and Captain Smith, that if the volunteers had not attacked the Indians at the time they did, nothing could have prevented the total annihilation of the command of Captain Smith in the narrow cañon of Illinois river, by the overwhelming force of the Indians then in the field. On the 13th of March, Captain Augur, with his company, marched from Port Orford to the place of rendezvous at Oak Flat; but, upon reaching the mouth of the Illinois river, he was met by the Indians, who, being fired upon, returned the fire; and a sharp skirmish ensued, in which five Indians were killed, the troops suffering no loss. After waiting a short time, and finding that Colonel Buchanan did not arrive, he marched back to the mouth of Rogue river. Upon moving away, the Indians entered his camp, while he was yet in sight, and fired off their guns in token of victory, and continued to follow the troops the whole day.

Colonel Buchanan at Crescent City was taking matters much more leisurely. Captain Abbott with a company of forty volunteers, authorized by the governor of California, becoming impatient at the delay, started up the coast and met the Indians at Chetco river, where he engaged them the whole day, but was forced to take refuge behind logs upon the beach. The next day the regulars under the command of Captain Ord and Lieutenant Jones, numbering one hundred and twelve, came to his relief; and the savages

were driven back. Two days were spent in punishing these Indians, which was effectually done, and their village destroyed. On the 20th of March, Colonel Buchanan with his regulars arrived at the mouth of Rogue river. About the time of his arrival, General Palmer, the superintendent of Indian affairs, arrived at Port Orford; and the brilliant military coup of Colonel Buchanan was never afterwards heard of. Palmer's diplomacy superseded powder and lead. The volunteers were still watchful and active, believing that the Indians would only surrender at the last extremity. On the 21st of April, Captain Bledsoe, of the Port Orford volunteers, started up Rogue river with a scouting party of eleven men, and encamped that night with Captain Smith and his regulars. Early the next morning, he quietly withdrew from the camp and took a position at Lobster creek, a mile and a half below. At sunrise two canoes, containing twelve warriors and three squaws, were seen approaching their place of concealment. When within a short distance of Captain Bledsoe's command, the latter opened a murderous fire upon them, killing eleven bucks and one squaw. The Indians were all armed with guns, which were lost by the capsizing of the canoes. As the Indians were in force near by, Captain Bledsoe's command returned to his camp on the twenty-third.

Captain Bledsoe says in his report of that date: "The regulars are yet here, but inactive. All their officers, or nearly so, are desirous that my command should accompany them when they take up their line of march to the mountains, with the exception of Colonel Buchanan, who is chief in command, and who steadily refuses to co-operate with the volunteers. We are therefore thrown upon our own resources, but intend to occupy all the vantage ground possible. From appearances, I am inclined to believe the enemy are becoming disheartened." Captain Bledsoe reported from Port Orford May 23d: "I have just returned from a trip south with success, having captured twenty Indians, who were delivered by me to the Indian agent. The coast Indians are evidently becoming disheartened, and would make peace almost on any terms. General Palmer, Indian Superintendent, and Sub-agent Olney, left this morning for the headquarters of Colonel Buchanan's command, who are encamped at or near the Big Bend of Rogue river. It is evidently the intention to conclude peace with them upon such terms as will give satisfaction to all concerned."

Colonel Buchanan at last moved to Oak Flat, having previously sent messengers to all the chiefs to meet him at that point. On the 23d of May, two months later than the time he appointed to meet Captain Smith at the same place, he arrived there with all of his command except the company of Captain Ord, which had been sent to escort a provision train from Port Orford. He was met by nearly all the hostile chiefs and many of their warriors, the most of whom, especially the coast tribes, were willing to make peace on any terms; but Chief John, while willing to make peace, refused to give up his arms or leave his country. The arrangement finally made was that the Upper Rogue river Indians should in four days surrender to Captain Smith at the Meadows, and be escorted by him to the reservation by the way of Fort Lane; while the coast and Lower Rogue river tribes were to assemble at the coast, and at a point on the river about six miles below the mouth of Illinois river. Affairs being thus settled, Major Reynolds was sent to meet Captain Ord and the pack train; Captain Augur was ordered to the point below the bend, and Captain Smith to the Big Bend. The result of the mission of the latter, we give in the words of his official report to Colonel Buchanan:

"I have the honor to report that, in obedience to special order No. 27, I left Oak Camp on the Illinois river on the morning of the 24th of May, with my Company C, a

detachment of Company E, Fourth Infantry, under command of Lieutenant Sweitzer, First Dragoons, and Assistant Surgeon Chas. H. Crane, to proceed to this point (Big Bend) for the purpose of receiving George's and Limpy's bands and such other hostile Indians as might wish to surrender themselves for the purpose of being removed to the new or coast reservation. Taking the trail down Illinois to near its mouth, I ascended on the south side of Rogue river to a point two miles from this camp, where my command was crossed over and the march continued to the Big Bend, which was reached about dark on the first day. The following day, the twenty-fifth, being rainy and disagreeable, the Indians did not come in according to promise, and made that excuse, which of itself was plausible enough. Early in the day of the twenty-sixth, several Indians came into camp and stated that George was some nine miles above us on the river, endeavoring to make his way down with all his people, including the Applegate, Gallice creek and Cow creek bands, and, if not prevented by Old John and the Klamaths, would reach my camp that day.

"Late in the afternoon I was informed, by some Indian boys that had been in my camp for several days, that it was the talk among the Indians that Old John was to attack us early next morning, with all the Indians he could muster, on the north side of our camp, the lower river Indians to attack on the south side. Our position being an insecure one, I determined at once to change camp, and sent Lieutenant Sweitzer to examine an adjacent hill with a view of occupying it, if found suitable. His report being favorable, I moved camp after dark, having to transport my howitzer, ammunition, stores, etc., on the backs of my men. Early on the morning of the twenty-seventh, several Indians came into camp, some of them George's people, and told me the Indians were coming in. I soon saw a number of canoes land; and small parties were moving up the hill, all apparently friendly, though being armed. I would not permit them to enter camp. Up to ten o'clock in the day their numbers were increasing; and, as soon as I ascertained that many of John's people were among them, I placed my whole command under arms, not suspecting up to this time their treachery. I increased my sentinels on the left brow of the hill, which is steep and covered with timber and heavy brush, with orders not to fire the first gun. By this time they had entirely surrounded the hill; and their movements seemed hostile.

"The Indians fired the first gun about eleven o'clock; and a large body of them were seen moving up the northern slope of the hill. As they appeared above the crest, they were met by a discharge of canister from the howitzer, followed by a charge of the men occupying that portion of the hill, which drove them out of sight into the thick brush. At the same time they attempted to charge the hill on the left and center, but were gallantly met by Lieutenant Sweitzer, who had charge of the southern slope of the hill. The Indians then took position on a ridge to our left and the slope leading up to our camp, from which they opened a cross fire on the men in position on that flank, and succeeded in wounding so many in the course of two hours that I had to withdraw some ten or twelve yards from the crest of the hill, from which position a continuous fire was kept up during the day, and charges made at different times that forced the Indians to retire. At the close of the day, we had four men killed and fifteen wounded besides my guide and an Indian boy, servant to Lieutenant Sweitzer. The Indians kept up their fire until after dark, and occasionally through the night. About eleven o'clock at night, Lieutenant Sweitzer, with all the men that could be spared, commenced a breastwork on the southern part of the hill, composed of blankets, saddles, tents, provisions, etc., and



RICHARD JEFFS.

SNOQUALMIE, W. T.

with the aid of one shovel so far completed it by daylight as to form a tolerable protection for our wounded and a small portion of the command. On the outside of this work I had dug a number of rifle pits to contain from two to five men each, and which were found to answer the desired purpose. As soon as the Indians discovered our movements, they raised signal fires, and by four o'clock in the morning of the twenty-eighth renewed the attack, which they kept up by a brisk fire until four P. M., making several attempts during the day to charge us *en masse*.

"Captain Augur, with his Company G, Fourth Infantry, arrived about four P. M. on the afternoon of the 28th, and, seeing the Indians in our front and right, gallantly charged them and put them to flight. Had he known our relative position, his movements could not have been bettered, as they cut the Indians from their cañons, and from a retreat across the river. At the same time I ordered Lieutenant Sweitzer, with the detachment of Company E, to charge the Indians then occupying the hills in our front and ridges to the left, which was handsomely done; and on his return he was ordered to join Captain Augur. From eleven A. M. on the 27th to four P. M. on the twenty-eighth, my men were all actively employed, and behaved most creditably. Dr. Crane, in addition to his arduous duties to the wounded, when not engaged professionally, was always found with rifle in hand to render me what aid I might require. It is well known that during the first day a number of Indians were either killed or wounded; but it is impossible to state with any degree of accuracy the number, as they were instantly dragged from the field. The casualties were: Killed, nine privates; wounded, twelve." Captain Augur lost two privates killed and three wounded.

At the same time, the volunteers were not idle. Major Latshaw, who assumed command at Fort Lamerick on May 24th, in place of Major Bruce, detached on other service, left the post on the 27th of May with the companies of Captains Keith, Blakely and Noland, and detachments from the companies of Captains Robinson and Wallan, under Lieutenants McClure and Phillips, and Captain Barnes' spy company, in all one hundred and thirteen men. The following report was written by one of the officers of the command:

"On the first day we marched five miles, and camped on the river. Soon after we camped, Captain Barnes discovered the enemy in considerable force; and, at two o'clock on the next morning, thirty men under Captain Blakely took a position where they could watch the movements of the enemy, while the remainder of the command, under Major Latshaw, moved early in the morning down the river to attack them. By some means, they discovered our movements and were on the move when we broke in upon their ranches. A small party under Lieutenant Hawley discovered a party whilst attempting to make their escape, and fired upon them, killing three. About the same time, a party of them were fired upon further down the river by Captain Blakely's detachment. A running fight then ensued, which lasted all day, about four miles down the river. During the day, five or six Indians were killed and fifteen taken prisoners. On the twenty-ninth, a party of ten men crossed the river to examine the country, when the Indians discovered them and sent a strong party to cut off their retreat, and fired upon our forces across the river. Captain Keith with his company, and Captain Noland with a portion of his, crossed the river under the fire of the enemy and charged upon them where they had taken position in the bushes and among rocks. The fight did not continue more than half an hour, when our forces completely routed

them. There were two Indians killed and one wounded in the charge. H. C. Huston, Sergeant of Keith's company, was severely wounded in the thigh at the first fire across the river.

"On the morning of the thirtieth, skirmishing commenced across the river by a small party of our men and a scattering party of Indians. Mr. Cooley, of Captain Wallan's company, was shot through the hand and thigh. The firing ceased about noon. During the three days, we had broken a great many canoes, destroyed a vast amount of their provisions, and taken a great deal of trumpery which we found in their caches along the river, besides some gold dust, arms, etc., which they had not time to take along with them. On the afternoon of the thirtieth, Major Latshaw, leaving Lieutenant Hawley with fifty men to erect a hospital and temporary fortification for the sick and wounded, with the remainder of his command marched down the river, and on the thirty-first found Colonel Buchanan, with a force of about four hundred regular troops, encamped near the mouth of Illinois river. From General Palmer, who was also there, we learned that the bands of Indians which we fell in with on the twenty-eighth were those of Limpy and George, and that they had made a precipitous retreat to his camp, delivered up their arms and called for quarter. They stated to him that the "Bostons" were coming down upon them, and that they never had seen so many muskets before,—that the river and hills were literally alive with them. Major Latshaw turned over to General Palmer twenty-one squaws and children that he had taken prisoners."

This last attack finished the war. It is true that there was some skirmishing required to bring all the coast Indians in; but the decree had gone forth. On the 29th of June, the last of the Southern Oregon Indians, Chief John, had surrendered, and was taken from Port Orford by sea to the coast reservation by the way of Portland.

In giving the history of this conflict, many interesting events have doubtless been omitted, since they occurred over a large expanse of country and followed in rapid succession; and many acts of heroism and suffering are not recorded, as well as many that were never known. But sufficient has been written to prove that the pioneers of Southern Oregon fairly earned the homes which the government of the United States so graciously tendered them.

Chapter XLIX.

(1853–1859.)

Political and Local History of Washington as a Separate Territorial Government Until Admission of Oregon as a State, Excluding Detailed Narrative of Indian Wars — Area of the Territory — General Features of Organic Act — President Pierce's Appointments of Federal Officials — Census Taken by Marshal Anderson — Northern Pacific Railroad Exploration — Governor Stevens' Arrival — His First Proclamation — Organization of the Territorial Government — Judicial Districts Defined by Governor — Apportionment of Territory for Legislative Representation — First Election — Columbia Lancaster Elected Delegate to Congress — Session of First Legislative Assembly — New Counties Organized — Secretary Mason Becomes Acting Governor — Indian Disturbances on Puget Sound — Collectors of Customs of Fort Victoria and Puget Sound Both Claim Revenue Jurisdiction Over San Juan Island — Congressional Legislation for Territory — Session of Legislature, 1854–55 — Treaties With Indian Tribes — Indian Council at Walla Walla — Discovery of Gold at Fort Colvile — Murder of Miners and Indian Agent Bolan — Governor Stevens at Council with Blackfoot Nation — Session of Legislature, 1855–56 — The People in Blockhouses — General Stagnation of Business — The Campaigns Against Indians Ended — Session of Legislature, 1856–57 — Organization of Republican Party in Territory — Election of 1857 — Governor Isaac I. Stevens Elected Delegate to Congress — Fayette McMullen Appointed Governor — The Fraser River Excitement — Session of Legislature, 1858–59 — Oregon Admitted Into the Union — Enlargement of Territorial Area by Annexation of Residue of Oregon.

THE boundaries prescribed by the act of March 2, 1853, establishing the territory of Washington, embraced the territory as it existed at the date of the passage of the act authorizing the holding of a convention to form a constitution, preparatory to being admitted as the "State of Washington," together with so much of Idaho and Montana as lies north of the forty-sixth parallel of north latitude and west of the Rocky Mountains. The Organic Act created for the new territorial government the offices of governor, secretary, chief justice and two associate justices of the Supreme Court, an attorney and marshal. It provided for a Legislative Assembly consisting of a Council of nine members, and House of Representatives, the first of which should consist of eighteen members, which number might subsequently be increased by the legislature, but never to exceed thirty members. Of the Council chosen at the first election, the terms of office were respectively one, two and three years, to be settled by drawing lots, one-third retiring at the close of each period. At subsequent elections, the term for which a councilman was elected was three years The territory still remained in the land district of Oregon, under the jurisdiction of the surveyor-general of that territory; but upon July 17, 1854,

Congress amended the Donation law of September 27, 1850, which had created that office, and established Washington Territory as a separate land district, created the office of surveyor-general, and authorized the President, when he deemed it expedient, to appoint a register and receiver (1); and an United States district land-office was established at Olympia.

Previous to the first election, it was made the duty of the governor to cause a census to be taken of the inhabitants and qualified voters, to enable the government to make an apportionment for the election of members of the Legislative Assembly, the ratio of representation to be fixed according to the number of qualified voters in a district or county. The governor was to fix times and places for holding the first election, convene the legislature and name the place of meeting At the first session, or as soon thereafter as deemed expedient, the legislature "shall proceed to locate and establish the seat of government" of the territory. All justices of the peace, constables, sheriffs, and other judicial and ministerial officers in office in the territory of Washington at the date of approval of the Organic Act, shall continue in their respective offices until they or others shall be duly elected or appointed, and shall have qualified to fill their places, or until the offices are abolished. It was under that provision of the Organic Act that Associate Justice William Strong of the Supreme Court of Oregon (who had been assigned to and resided in the third judicial district of that territory, which at the time included all of Washington Territory), held courts north of the Columbia river, and performed all other necessary judicial functions, until the governor, by his proclamation, had created judicial districts for Washington Territory and designated the times and places of holding the district courts therein. Causes pending in the district courts of the late third judicial district of Oregon were transferred by operation of law to the proper court of the district including the county in which suit was brought.

Two townships of land were reserved, by the amendatory act creating the office of surveyor-general of Washington, for university purposes; and, by the Organic Act, sections sixteen and thirty-six in each township in the territory were reserved for the purpose of being applied to the common schools.

The territories of Oregon and Washington were vested with concurrent jurisdiction over all offenses committed on the Columbia river, where the said river forms the common barrier between them.

Soon after the inauguration of Franklin Pierce, President of the United States, he appointed Brevet Major Isaac I. Stevens, U. S. Engineers of Massachusetts, Governor and *ex officio* Superintendent of Indian Affairs, Charles H. Mason of Rhode Island, Secretary, John S. Clendenin of Mississippi, Attorney, and James Patton Anderson of Tennessee, Marshal, Edward Lander of Indiana, Chief Justice, Victor Monroe of Kentucky and Obadiah B. McFadden of Pennsylvania, Associate Justices of the Supreme Court of Washington Territory. Isaac N. Ebey, an old resident of the territory, was appointed collector of customs for the district of Puget Sound; and early thereafter the port of entry of the district was removed from Olympia to Port Townsend. In the spring of 1854, Associate Justice Victor Monroe, after having held a term of court in several of the river counties, was superseded by Francis A. Chenoweth, an early Oregon pioneer residing in Clark county, now Washington Territory. Of these appointees, Colonel J. Patton Anderson, Marshal, Mr. Clendenin, Attorney, Secretary Mason and Judges Lander and

(1) James Tilton of Indiana was appointed the first surveyor-general. Early in 1854 Henry C. Mosely of Steilacoom was appointed register, and Elias Yulee of Indiana receiver; and a land-office was established at Olympia.



GEORGE BRACKET ESQ.

EDMUNDS, W.T.

Monroe reached the territory during the summer of 1853. Marshal Anderson at once proceeded to take the census, which, when completed, showed a population of 3,965 white inhabitants, of whom 1,682 were voters.

The delay in the organization of the territory, growing out of the non-arrival of Governor Stevens, occasioned no dissatisfaction, as it had early become known that he had been assigned to the charge of the exploration and survey of a route for a Northern Pacific Railroad from St. Paul, or some other eligible point near the head of the Mississippi river, to Puget Sound. The instructions of the Secretary of War (Jefferson Davis) to Governor Stevens required a thorough examination of the passes of the Rocky, Bitter Root and Cascade ranges of mountains. The geography and meteorology of the intermediate country, the character of the same, or adaptability thereof for avenues of trade and transportation; the examination of the Missouri and Columbia rivers and their longest tributaries, as auxiliary channels for transportation, and in constructing a transcontinental road; to ascertain the rainfall, the depth of snow along the route, especially in the several mountain passes; in short, learn every feature of country, soil and climate which may render assistance to the solution of the problem of the practicability of transcontinental railroad communication by the northern route. It was also required that investigation be made as to the Indian tribes of the country traversed, with reference to their numbers, habits and especially as to their feelings towards the Whites, and in regard to a right of way for such a railroad through their accustomed haunts.

The better to accomplish their purpose within one season, the expedition was divided into an Eastern and a Western division, the former to operate westward from the Upper Mississippi. The purpose of the latter will be best appreciated by quoting the language of the War Secretary: "A second party will proceed at once to Puget Sound and explore the passes of the Cascade Range, meeting the Eastern party between that range and the Rocky Mountains, as may be arranged by Governor Stevens." The Eastern division or main party was under the command of Governor Stevens. Captain George B. McClellan, Corps of Engineers, had direction of the Western party. Associated with him were his assistant, Mr. Joseph F. Minter; Engineer, Lieutenant Jefferson K. Duncanm, Third U. S. Artillery; Dr. J. G. Cooper, Surgeon and naturalist. Captain McClellan started May 20, 1853, from New York, *via* Panama. Upon his arrival at Fort Vancouver, he was joined by Lieutenant Sylvester Mowry, U. S. Army, as meteorologist, and George Gibbs, so well known to the early inhabitants of Oregon and Washington as a distinguished Indian linguist and ethnologist, who acted as interpreter, geologist and ethnologist of the Western division. Lieutenant Henry C. Hodges, Fourth U. S. Infantry, commanded the military escort, and acted as commissary and quartermaster of the western party. Under a general supervision of Governor Stevens, the Secretary of War had directed Captain McClellan "to open the military road from Fort Steilacoom to Fort Walla Walla." Incidentally, Captain McClellan made a superficial topographic reconnaissance, intrusting the work to Edward Jay Allen, engineer and contractor upon the emigrant road built by the citizens. Lieutenant Rufus Saxton had been assigned to the Western division as its quartermaster and commissary, with the special duty of organizing a sufficient force to establish a depot in the valley of the Bitter Root, and supply it with four thousand rations of provisions. The performance of this duty practically necessitated a third and separate party, whose starting point was Fort Vancouver, and whose field of operation was confined to the territory west of the Rocky Mountains and the examination of a route to Bitter Root valley, in what is now Western Montana.

Before the Eastern division went into the field, Lieutenant Andrew J. Donelson, U. S. Engineers, was dispatched by Governor Stevens to Montreal to interview Sir George Simpson, Governor-in-Chief of the Hudson's Bay Company's affairs in America, to arrange for obtaining, if necessary, from the trading-posts of the company, provisions or other necessaries, to secure knowledge of the Red River country, and to procure necessary guides and hunters from Fort Snelling to Fort Union, and from that post to Fort Benton, and across the Rocky Mountains. Governor Stevens also determined to send a small party up the Missouri river to Fort Union. A survey of that river was to be made. A post was to be established at Fort Union; and the surrounding country was to be thoroughly examined while the party waited for the coming up of the entire force of the Eastern division, to which had been assigned the following army officers and scientists: Captain J. W. T. Gardiner, U. S. Dragoons, to command the military escort; Lieutenant Andrew J. Donelson, U. S. Engineers, with a detachment of ten United States sappers and miners; Lieutenant Beekman du Barry, Third Artillery, U. S. A.; Lieutenant Cuvier Grover, Fourth Artillery, U. S. A.; Lieutenant John Mullan, Second Artillery, U. S. A.; James M. Stanley, the artist of the expedition; Dr. John Evans, who had been employed since 1851, by the Department of the Interior, in the geological examination of Oregon and Washington, was assigned to the expedition as its geologist; Isaac F. Osgood, purchasing and disbursing agent; Doctor George Suckley, Surgeon and naturalist; Frederick W. Lander, locating and estimating engineer; A. W. Tinkam, assistant engineer.

The first of June had been fixed as the time of commencing the march of the main party of the Eastern division from Fort Snelling, Minnesota, the appointed rendezvous. The mules were unbroken, and the wagons were not delivered until the 26th of May. Then came the circus of inexperienced civilians breaking those unruly creatures. Mule-breaking was amusing to all except the one who was trying to discipline the brute; it was the work of camp for several days. Small parties were sent out to make preliminary examinations of the river, others to ascertain camps and the condition of the route over which the train was soon to travel; but the members of the party were mainly in camp from the 26th or 27th of May.

When it had been determined to make a survey of the Missouri river to the mouth of the Yellowstone, a steamer of high draft had been chartered at Pittsburg, Pennsylvania; but the uncertainty as to the practicability of her ascending to that point induced Governor Stevens to abandon that means of transportation of Lieutenant Donelson and party, to whose charge had been committed that work. The party left St. Louis on the American Fur Company's steamer for Fort Union, on the 20th of May. It consisted of Lieutenant Andrew J. Donelson, in command, Lieutenant John Mullan, Mr. William M. Graham, astronomer, and a detachment of six United States sappers and miners. On the 31st of May, small advance engineering parties, in charge of Lander, Lambert, Grover and Tinkham, started by different lines to Sauk Rapids. On the 3d of June, in consequence of ill health, Captain Gardiner was relieved from duty with the exploration, and ordered to report at Washington City. On the 6th of June, the Eastern division struck camp at Fort Snelling and moved toward Sauk Rapids in three parties, all of whom had arrived within two days at Camp Davis (on the Sauk river, two miles from its mouth). Here they remained, making preparations, but moving out in small detachments, until the 15th, when the whole command was on the march. Lieutenant du Barry was relieved at his own request, and ordered to report to the adjutant-general at Washington City.

The main party of the Eastern division reached Fort Union on the 1st of August Donelson's party had been there for several weeks. The other parties all arrived early in August, Lander coming in last,—on the fifth. It was first resolved to organize two parties, under Lieutenants Donelson and Grover, respectively, in order to examine a wider belt of country. The governor was to go forward with a small party, but be within communicating distance. On the 9th of August, the two parties, in charge of Lieutenants Donelson and Grover, respectively, started from Fort Union. Governor Stevens remained until the 10th. On the 11th, he had overtaken both parties at the crossing of the Big Muddy river. Again the programme was changed. The two parties were again consolidated under the command of Lieutenant Donelson; and small parties were to be detailed to perform side-work or make necessary examinations, under Lander, Grover, Tinkham and other officers. The main train moved forward under the command of Lieutenant Donelson. An itinerary of the march and doings of that Eastern division, were they more pertinent to the territorial history, and did space permit, would prove most interesting. Suffice it to add that Governor Stevens reached Fort Benton September 1st; and the Eastern division were all in camp, at that old trading-post of the American Fur Company, on the 6th of September. The governor resolved to abandon the wagons at this point, and go forward with pack animals. On the sixteenth, the westward march was resumed. On the twenty-sixth, Governor Stevens, with a small party, left the main train, hastened forward, and crossed the divide of the Rocky Mountains upon the twenty-ninth. The pass by which the Eastern division crossed the Rocky Mountains (Cadotte's Pass) was the same that had been traversed in 1805 by the Lewis and Clark overland expedition to the mouth of the Columbia river.

Governor Stevens reached Fort Colvile on the 18th day of October. Captain McClellan had arrived there upon the day before. On the 28th of October, both parties met, having in their joint journeyings traversed the continent; and the place where they commemorated the happy result of their joint labors they named Camp Washington. The season was growing late, snow had already fallen, the animals were much fatigued and were growing thin. Further examinations and work had been marked out and discussed by those three accomplished engineers, Stevens, McClellan and Lander. McClellan had been in the Cascade Mountains. He suggested that an examination from the Sound over the Snoqualmie Pass was more practicable than to work westward from Camp Washington. His views were accepted, as he had been in charge of the western field of exploration; and wisely the resolution was reached and acted upon to push forward by Walla Walla, The Dalles and Vancouver to Olympia. In the latter days of November, the expedition (except small parties who had been detached for examination of special features upon which information was required before final report could be made) had finished its labors in the field. Its officers, engineers and specialists had gone into winter quarters; and the office work of preparing reports and maps and illustrations commenced. The labors of that party were chronicled in three large quarto volumes published by the national government, and constitute a valuable addition to the knowledge of the country at large, and especially the physical geography and topographic features of the territory of Washington.

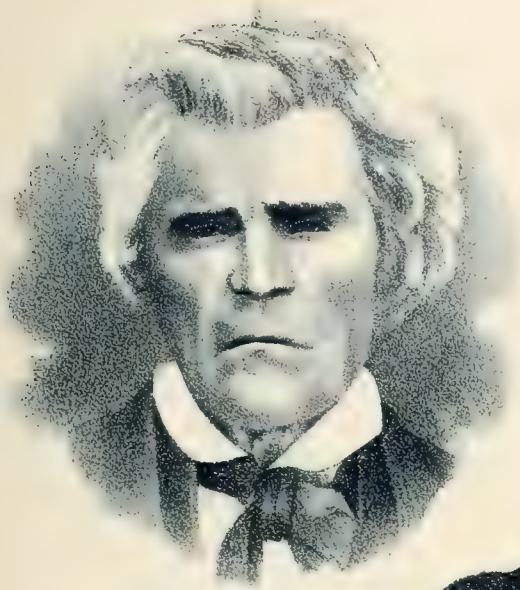
Governor Stevens having arrived at Olympia (the seat of government as determined upon by him) issued upon the 28th of November, 1853, a proclamation, as required by the provisions of the Act of Congress establishing the territorial government of Washington. By it, Monday the 30th day of January, 1854, was designated as the day

for holding the first election for members of the Council and House of Representatives of the Legislative Assembly, and for the first delegate for Washington Territory to the House of Representatives of the United States. An apportionment was made; and the council and representative districts were defined. The three judicial districts were established, viz.: the counties of Clark and Pacific constituted the first district, Lewis and Thurston the second; and in the third were embraced the counties of Pierce, King, Island and Jefferson. The times and places for holding said courts were also appointed. The 27th day of February, 1854, at Olympia, were designated the time and place for the meeting of the first Legislative Assembly.

Immediately after the proclamation, the two political parties called territorial conventions to nominate a candidate for delegate to Congress. The Democrats assembled at Cowlitz Landing and nominated Columbia Lancaster, who had served as a judge of the Supreme Court under the Oregon Provisional government, and who was defeated at the first Oregon territorial election (1849) for the delegateship to Congress by Samuel R. Thurston; and he it was also who conducted the proceedings of that minority Oregon legislative council, called at the time the "One-horse Council," which met at Oregon City, session 1851–52. The Whigs met in convention at Olympia and nominated Colonel William H. Wallace, an immigrant of 1853, a prominent lawyer, a distinguished advocate and orator, and who had filled several official positions in the State of Iowa. Judge Lancaster was elected by a vote of 698, to 500 received by Colonel Wallace. Both branches of the legislature were Democratic by small majorities.

On the day designated in the governor's proclamation, the first territorial legislature assembled at Olympia. The Council organized by the election of George N. McConaha (1) of King county as President. Francis A. Chenoweth of Clark county was elected Speaker of the House. Governor Stevens delivered his message in person in joint convention of both Houses on the 28th of February. Referring to the valuable information he had acquired in his journey to the territory, with reliance he urged the memorialization of Congress for the vigorous application to Washington Territory of its general territorial policy,—those incidental aids always accorded to new territories by the general government. He appropriately alluded to the deficiency in the mail service, to the extinguishment of the Indian title to lands, and reminded them that as yet Congress had failed to pass a law applicable to the territory east of the Cascade Range. He then called attention to the public lands, and the inconvenience to settlers by the failure of the government to extend the public surveys. His recommendations as to the building of government roads exhibited an intimate knowledge of the needs of the territory. His suggestions for a memorial for congressional aid contemplated a system connecting the Columbia river with the Sound. A road was required extending westward from the falls of the Missouri, at the head of navigation of that river, to connect with the road from the crossing of the Columbia river at Fort Walla Walla to Fort Steilacoom. A road should also be continued down the Columbia river to Fort Vancouver, then called Columbia City, and thence from that point across to the head of the Sound, thence northward on the east side of the Sound to Bellingham Bay. He suggested, as proper subjects to urge upon the attention of Congress, the creation of the office of surveyor-general of Washington Territory; the granting of liberal appropriations to extend the public surveys; the

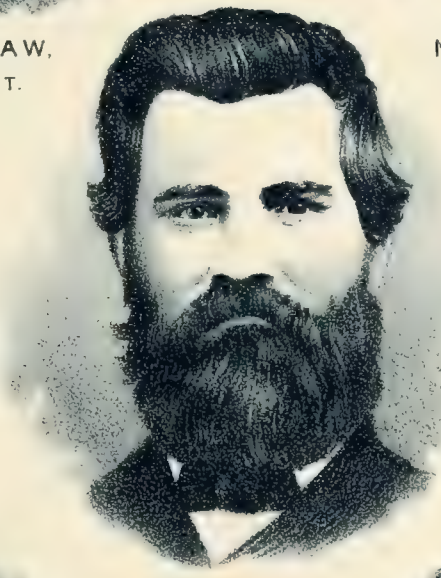
(1) President McConaha had proved himself in that session a thorough parliamentarian, an able debater, and a master in invective. He was a consummate jury lawyer, a successful advocate. On the Sound, though a recent comer, he had acquired an enviable popularity with the masses. He was in the prime of vigorous manhood, and had he lived, a brilliant future awaited him. While returning from the session of the legislature to his home at Seattle in a canoe, accompanied by Captain B. P. Barstow, with a crew of Indians, the canoe was swamped between Vashon Island and Alki Point, May 5, 1853; and, with the exception of one Indian, the whole party found a watery grave.



CAPT. Wm SHAW,
VANCOUVER, W. T.



MRS. SARAH SHAW,
VANCOUVER, W. T.



COL. B. F. SHAW,
VANCOUVER, W. T.



JOSEPH BEEZLEY,
THE DALLES, OR.



MRS. M. J. BEEZLEY,
THE DALLES, OR.

amendment of the Donation law so as to authorize, after a continuous residence of one year, a commutation by paying the minimum valuation of the land, or the making of improvements equal to such minimum value; with the proviso that the right to acquire or commute should be enjoyed but once; that single women be placed on the same footing as married ones.

This perfect schedule of territorial needs, as also the illustration of territorial resources and future grandeur, included also reference to geographic and geologic surveys. He then urged the necessity of congressional appropriations to continue the survey of the Northern Pacific Railroad route. With broad and liberal statesmanship, he indicated, in that able message, the necessity of "building simultaneously roads to the great harbors on the Pacific, Puget Sound and San Francisco, if practicable routes are found. I can speak decisively as to the Northern route; and I have no doubt that surveys will establish the entire practicability of the Southern and many intermediate routes. The best interests of the country will be advanced by the ascertaining of many practicable routes; and the necessities of the times imperiously demand that the roads now running westward should not be stayed in their course till they reach our Western shores. I am firmly of the opinion, however, that these great undertakings should be controlled and consummated by the people themselves, and that every project of a government road should be discountenanced."

He then cited an actual occurrence of that winter, which illustrates the then condition of the territory, and one of the annoyances to which the early settler was subjected, as he alluded again to the defective mail service: "For six weeks of the present winter has this territory been without communication with the States. Yet, in this interval, sailing vessels reached Seattle from San Francisco, and brought to that port information on the 12th of January which only reached the same place by mail more than six weeks subsequently. There are reasons growing out of the condition of the territory which call for an efficient mail service by steamers. There are nearly five thousand Indians on the shores of the sound, a large revenue district with innumerable ports affording facilities to the evasion of the revenue laws, and a disputed territory. The entrance to the Sound is in common with a foreign possession to the north, wielded by an almost despotic sway, and the abode of large bands of aborigines. For the management of public business, for the protection alike of the Indian and the settler, for the enforcement of the revenue laws, and for the upholding of the dignity and integrity of national and territorial rights, it is essential that a line of steamers should run direct from San Francisco to Puget Sound, and that an effective mail service by steamers be organized on the Sound itself. The portion of the territory on the Columbia river will be provided for by the existing arrangements, let them only be carried out with a due regard to express stipulations."

Governor Stevens was also *ex officio* superintendent of Indian affairs. In that capacity he had as far as practicable acquainted himself with the native population. His estimate of the number of Indians was ten thousand, in about equal proportions on either side of the Cascade Mountains. With the usual first blush of sentimentalism of Eastern people, he characterized them "for the most part a docile, harmless race, disposed to obey the laws and be good members of the State." With this view, with that charity towards that race for which he was eminently noted, in that first message (his inaugural address, it may with propriety be called), he warmly recommended "the memorializing of Congress to pass a law authorizing the President to open negotiations with the Indians east of the Cascades, to provide for the extinguishment of the title to their lands, and to make ample

appropriations to actually extinguish their title throughout the territory, reserving to them such portions as are indispensable to their comfort and subsistence.

He then wisely referred to the confusion and ambiguity of the statute law in force in the territory by Oregon legislation. He suggested enacting certain necessary laws applicable to the territory, and the employment of a commission to prepare and report necessary acts. He urged the organization of Eastern Washington into counties; the erection of new counties, and the change of county boundaries; the passage of an election law and a militia law; and as to the latter he made a number of suggestions of what was requisite in the formation of a proper militia system. The message took strong ground in favor of extinguishing by purchase the title of the Hudson's Bay and Puget Sound Agricultural Companies to any possessions or possessory rights under the treaty, and suggested legislative investigation, and a report as to its value, and the policy to be pursued to remove the presence of those companies from the territory. He advised the legislature that "the Hudson's Bay Company would not longer be allowed to trade with Indians within the territory, that notice had been given to that effect under instructions from the secretary of state, and that the company would be allowed until the 1st of July, 1854, to wind up their affairs. After that time, the laws regulating intercourse with the Indians would be rigidly enforced."

Information was also communicated as to the congressional appropriation for a territorial library, and its expenditure, and the contributions secured through application to learned societies and the executive of each state and territory, for copies of their publications. The message concluded with invoking the Assembly to provide a system of education, "which shall place within the means of all the full development of the capacities with which he has been endowed. Let every youth, however limited his opportunities, find his place in the school, the college, the university, if God has given him the necessary gifts. A great champion of liberty said, more than two hundred years ago, that the true object of a complete and general education was to fit man to perform justly, skilfully and magnanimously, all the offices, both private and public, of peace and war. Congress has made liberal appropriations of land for the support of schools; and I would recommend that a special commission be instituted to report on the whole school system. I will also recommend that Congress be memorialized to appropriate land for an university."

Every suggestion herein made found a response by the Legislative Assembly. They created a code commission consisting of Chief Justice Edward Lander, William Strong, late Associate Justice of Oregon, and Victor Monroe, Associate Justice of Washington. The laws by them made, reported separately in order to conform to the requirements of the Organic Act, that "they should have but one object, and such object must be expressed in the title," constitute a code, and substantially continued the great body of the statutory law of Washington throughout its territorial existence. The innovations made by subsequent legislatures upon that collection of laws (uncodified, because each subject matter must be confined to a separate enactment, but regarding each act as a chapter rather than as a code), under the guise of so-called amendments, in nowise improved the very creditable system which had emanated from those two vigorous legal minds and learned jurists, Edward Lander and William Strong.

An important memorial upon a subject to which the governor's message had not referred urged Congress to reimburse Captain Lafayette Balch and others for the expenses incurred in the rescue of the crew and passengers of the sloop *Georgianna* from captivity

on the east side of Queen Charlotte's Island, among the Hydah Indians. Another was a memorial praying Congress to recognize the humanity of George Bush, a free man of color, who came to Puget Sound in 1845 with the first American colony who settled in that section. He took up a section of land, and with his family had resided upon it from that date; and that the first legislature unanimously joined in the request that, colored man as he was, a grant be made to him of the home he had made for his family. And Congress promptly acceded to that request, so eminently just and creditable to the legislature which had made it. The creation of necessary ports of delivery, the building of a marine hospital, and of lighthouses at proper locations, for making the salary of the collector of customs of Puget Sound equal to the collector of Astoria, were referred to in joint resolutions to aid the delegate in asking Congress to recognize the needs of the infant territory.

Governor Stevens was requested to visit Washington City in the interest of the Northern Pacific Railroad survey, and kindred matters incidental thereto. The private independent enterprise of Frederick W. Lander, so liberally contributed to by the private means of his distinguished brother (the chief justice), the examination of the railroad route from Puget Sound by the valley of the Columbia to the South Pass of the Rocky Mountains, was heartily commended by the legislature. Congress was asked to publish his report, and to make appropriation to compensate his labor, and reimburse him for the expenses incurred.

By the terms of the Organic Act, the duration of the first session of the Legislative Assembly had been limited to one hundred days. That session was materially shortened and the labors of its members lessened by reason of the systematized co-operation of its able coadjutors, the commission of judges reporting from day to day well-digested laws, which the assembly could accept as authorized, essential and competent to promote the public welfare. Indeed that judicial oracle announced what the law ought to be and how the courts would construe it. Nor is it unreasonable to say, that following the timely suggestions of that statesmanlike message of the governor, which in so many instances were accompanied with the reason, evidence of necessity or benefit which prompted them, contributed greatly to the prompt and creditable performance of its functions, and enabled that legislature to adjourn *sine die* on May first, after having been in session only sixty-four days, which included the days of convening and adjournment.

As before remarked, the territorial Organic Act had prescribed as an essential to the validity of a statute that it should refer only to one subject-matter, and that such subject should be clearly expressed in the title. Hence each enactment, each bill, was separately reported and passed. A full code of civil procedure, in the main following New York, but with occasional interpolations from Indiana or Ohio, the representative states of the two reporters or authors. A Criminal Practice act, a Probate law and Justice's Practice were adopted. The election, and very many of those acts which constitute the political code, were similar to the Oregon code upon some subjects, wisely retained because the people were familiar therewith, and because of a strong partiality for Iowa law, which had been spoken into the Oregon system of law, by mere legislative fiat, that the laws of Iowa, so far as the same may be applicable, are in force in Oregon.

The boundaries of several of the old counties were re-defined. Seven new counties were created. Cowlitz county was set apart from Lewis in the early part of the session; and later Wahkiakum county was set off from its western side. Chehalis and Sawamish were detached from Thurston. The latter-named county by a subsequent legislature was

nominated Mason, in honor of Charles H. Mason, the first secretary of the territory, and its acting governor during much of the period marked by Indian outbreaks, and the Indian war of 1855–56. Clallam was set off from Jefferson county. Whatcom constituted all the territory included in Island county, embraced all the mainland late in that county north of a line running due east of the north point of Perry's Island to the summit of the Cascade Range of mountains, its northern boundary being the forty-ninth parallel west to the Canal de Haro, following that channel to the Strait of Fuca, by it across Ringgold's Channel to the place of beginning. In it was the Archipelago de Haro, the islands so long in dispute between the United States and Great Britain, and awarded to the former by Emperor William of Germany.

Among the early acts of the session, the county of Skamania was set off from Clark. It was all of Eastern Washington, the territory lying east of Cape Horn, in the Columbia river; and from it was set off and established the county of Walla Walla. It was a large empire in extent. Run a line due north from the north bank of the Columbia, opposite the mouth of Des Chutes river, to the forty-ninth parallel of north latitude; all the territory between that imaginary line and the dividing ridge of the Rocky Mountains, all of Idaho and Montana, north of forty-six degrees north latitude and west of the Rocky Mountains, was Walla Walla county as defined by the act establishing its boundaries. The land claim of Lloyd Brooke was its county seat. At the next session, Lloyd Brooke was invested with the several offices of probate judge, county auditor and county treasurer. Shirley Ensign was sheriff. Major John Owens, who lived at St. Mary's village, in the Flathead country in Bitter Root valley, was one of the county commissioners named. His colleagues were B. B. Bomford and George N. Noble. Surely it was a county of magnificent distances. That inland empire was allowed two members of the House of Representatives. There were sufficient residents to justify that act, but their residences were far between. No county officers named ever qualified. No organization was attempted under either of those acts, by virtue of the legislation of either of those sessions (1). The act creating the county, or rather defining county lines, remained upon the statute book, and never was repealed.

At that session, county seats were designated for the newly created counties. County officers were appointed for them, as also for old counties where vacancies existed, where officers, by the change of boundaries, had ceased to be residents, and for offices established at the current session. In brief, very much was done to effect working county organizations throughout the territory. The legislature divided the territory into three judicial districts, fixed the terms of court in each, and assigned thereto the judges.

The counties of Walla Walla, Skamania, Clark, Cowlitz, Wahkiakum and Pacific constituted the first judicial district, to which was assigned Obadiah B. McFadden Associate Justice of the Supreme Court of the territory. The counties of Lewis Chehalis, Thurston and Sawamish (Mason) formed the second district, to which the act assigned Victor Monroe, Associate Justice; but, early in the summer of 1854, he was superseded by Francis A. Chenoweth, who continued to hold the courts of the second district until January 25, 1855, when the legislature made a reassignment, whereby Edward Lander, Chief Justice, was transferred to the second district, and Associate Justice

(1) It was not until the fall of 1858 that the upper country, the Walla Walla valley, was thrown open to white settlement. On the 19th of January, 1859, the legislature passed an act appointing officers of Walla Walla county. No intervening legislature had abridged the limit prescribed by the act of 1854; and this lawfully recognized the county as an entity, though unorganized. On the 15th of March, 1859, a quorum of the county commissioners, named in the act, appointed necessary officers to carry on a county organization. At subsequent sessions of the board, all necessary officers were secured. At the July election (1859), all county officers were elected. Steptoeville had been the name of the site of the present city of Walla Walla. On the 7th of November, 1859, the board of county commissioners changed that name to Walla Walla, and designated it as the county seat.



HON. JOHN GATES,
PORTLAND, OR.

Chenoweth to the third district. The third judicial district was composed of the counties of Pierce, King, Island, Jefferson, Clallam and Whatcom. To it Chief Justice Edward Lander was assigned by the act; but on a reassignment January 25, 1855, the district courts of that district were presided over by Associate Justice Chenoweth.

As requested by the Legislative Assembly, Governor Stevens started on the 26th of March for Washington City, for a protracted absence from the territory. Secretary Mason assumed the office of acting governor.

Immediately after the adjournment of the legislature, several Northern Indians, who were on a visit to Puget Sound in quest of employment, and to sell articles of handiwork, were employed by John L. Butler upon his Donation claim on Butler's cove, on the west side of Budd's Inlet, some three miles north of Olympia. With Butler lived a man named Burt. Those Indians having completed the job, demanded payment of Butler for their services. A quarrel ensued between the Indians and the White men, Butler having refused to pay what the Indians claimed. That demand for wages was the occasion of the death of the chief of the Indian laborers, at the hands of Butler and Burt. Those parties were charged with murder. They were arrested; and, when brought before the magistrate (William W. Plumb) for examination, the prosecuting attorney of the second judicial district of the territory, appointed by a late legislative act, himself at the time a member of the Council, moved for the discharge of the accused, "because Thurston county had no jail, and it would be an expense to the county to retain them in custody." Those red-handed murderers, without the semblance of a trial, were set at liberty. At that time, there were many in the community who denounced that needless, unprovoked homicide as a wanton murder, and the miserable travesty on law and justice which succeeded its commission.

Unfortunately, its results did not end with that discharge. The murderers escaped even a trial for their misdeeds; but several innocent lives were sacrificed to atone for that mercenary slaying of that northern chief near the city of Olympia. The murdered man was a prominent chief of a tribe of Stikeen Indians, whose dwelling place was near Sitka, in Russian America. In the latter part of May, Indians of that nation came from their northern homes in large numbers to Puget Sound, to avenge that death,—not alone to visit punishment upon those who had occasioned his death. They cared not particularly for the wrong-doer; but his race must pay for that loss by an equal or greater sacrifice. As he was a chief, they exacted two lives for one. In ten large war canoes, each carrying between fifty and sixty well-armed braves, the avenging expedition arrived at Vancouver Island. There, mistaking one Charles Bayley, a settler upon that island, for an American, they initiated their work of reciprocal murder,—their enforcement of their traditional law of retaliation and compensation. A party of eight of the savages shot and fatally wounded Bayley. Governor Douglas, having heard of the raid, immediately dispatched a force to pursue and capture the murderers. The Indians, who had too much the start, eluded their pursuers among the islands and escaped in the direction of Bellingham Bay.

On Saturday, May 24th, at about noon, two of those large canoes, each manned with fifty or sixty Northern Indians, approached Bellingham Bay from the direction of Vancouver Island, and landed on the beach opposite to the house of a Mr. Clayton. Entirely unarmed, he walked down to meet them, when they surrounded him and proposed selling to him blankets. Their conduct excited his suspicion as to their friendliness of motive. Under pretense of going to his house for money to pay for the blankets offered, he fled to the woods, and was pursued for a considerable distance. He ran to the house of

Captain Pattle, some five miles distant, where he took refuge. There happened to be there several Bay Indians of the Lummi tribe, whom he induced to warn the settlers. Captain Pattle, Clayton and five other Whites, all unarmed, except that in Pattle's cabin there was an old musket with a broken lock, manned a canoe and paddled out from shore a sufficient distance to enable them to observe the movements of the enemy either upon land or water, and make good their escape if pursued. They anchored the canoe abreast of Captain Pattle's cabin, and remained in it reconnoitering the enemy until near midnight of Sunday. Then they noiselessly paddled ashore, thinking they had baffled their besiegers; but in this they were grievously mistaken, as the sequel proved. Two of the white men remained in the canoe as a guard. Their movements had been watched by the war party, who immediately pursued. The retreating settlers, with the hope to deter the advance of their foe, fired off the old musket with the aid of a coal; and a volley of twenty or thirty shots was returned. The settlers then fled to the timber. The Indians hurriedly retired after firing the volley. The settlers' canoe, in which the two guards had remained, was afterwards found to be riddled with shot. In the bottom was found a pool of blood. Before the party on shore had fled, the two guards had been heard urging each other to push off the canoe and effect their escape. By the words used and the replies, it it was evident that both had been disabled by that volley from the Northern canoes. The names of those two unfortunate men, who lost their lives to atone for the crime committed by Butler and Burt, were David Melville and George Brown. After they had been murdered, their heads were severed from their lifeless bodies, and carried north by the avenging raiders.

The Indians, before they left Clayton's house, to which they went upon his flight, stripped it of every valuable article. Two days later they attacked and fired into the house of Alonzo M. Poe. Having thrown the bay settlers into a state of consternation, and aroused them to organized defense, the Stikeens went to Whidby's Island, attacked the houses of Captain Hathaway and R. B. Holbrook while absent, and appropriated blankets, ammunition, groceries and provisions, indeed everything which could be carried off. Subsequently, they robbed the residences of several other settlers on Whidby's Island, and then, satiated and satisfied with the murder and mischief they had done, headed for their northern homes. By the time the news of these depredations had reached Olympia, those marauders and pirates were well on their way to their northern abode. There was no vessel to pursue them, no means at hand to punish their predatory excursions, nor to protect the settlements against those hordes of Northern barbarians. On the 3d of June, the news having reached Olympia, Governor Mason proceeded to Fort Steilacoom to adopt measures as far as practicable to restore quiet to the northern settlements. He visited the lower Sound. A company of volunteers were enrolled at Olympia, of which Colonel Isaac N. Ebey, Collector, was elected captain, who held themselves in readiness to go upon call.

The Indians of the Sound tribes were also at this time a source of considerable anxiety to the territorial authorities. In several localities their friendship was questionable, and their conduct was calculated to excite apprehension, though no actual indication of hostility was manifested nor even threatened. This state of feeling was attributable to several causes. There was not any immediate fear of the Whites molesting the Indians. The conduct of the settlers was uniformly friendly; and the Indians near the settlements were glad to perform labor for the settlers, their women to do housework, and furnish fish, game, berries, etc., to the Whites, and receive compensation therefor. Indeed, there was a

reciprocal feeling of dependence by the settlers and their aboriginal neighbors. Yet there was a suspicious feeling of unrest, a seemingly unsatisfied series of grievances or jealousies which might develop into hostility by an act of indiscretion or injustice on the part of the settlers. A number of white settlers had been murdered by Indians in different sections; and in some neighborhoods an outbreak might occur at any moment. While it cannot be denied that the settlers on the Sound treated the Indians with uniform fairness and liberality, nor be truthfully charged that the American settlers committed acts of cruelty upon the Indians, or gave them provocation, still there were latent reasons rendering necessary the exercise of caution and justice in the dealings of the Whites with the native population.

The inexcusable act of Butler and Burt stands alone in the history of American settlement on Puget Sound. It was committed against one of a people who lived at a great distance, with whom the Sound tribes had no sympathy. In truth, they much dreaded the visits of those Northern hordes, and feared them more than the Whites. Hence that wanton act, however illustrative of the madness of the conduct of irresponsible Whites, had no influence whatever in antagonizing the native Indian mind on Puget Sound against the settlers, or in provoking hostile feelings, or in intensifying the danger from their presence. The traditional law and custom of the Sound tribes also exacted a life for a life, or some fixed valuation of property, as compensation to the survivors of the deceased; nor could they appreciate or be reconciled when they had to surrender more than one to expiate the murder of one outlaw. Indian law was satisfied if a like number were exchanged for punishment. It was this view of things that created disaffection by the law's execution of accomplices, when only one party had been slain.

In the winter of 1851, a man at Crescent Harbor had been murdered by Indians. Three years later, after the courts had been organized (at the spring term of 1854, at Penn's Cove), an Indian was tried for that murder, convicted and hung. A surveyor by the name of Hunt, who unarmed and alone was peaceably pursuing his profession on the Swinomish slough, was murdered by Indians. When the first court was held at Whatcom, two Indians were tried for that murder, convicted and executed. In February, 1853, William Young started from Seattle with a crew of two Snohomish Indians for the east side of Whidby's Island. On his way, the Indians murdered and robbed him. When it was ascertained that Young had been murdered, Thomas S. Russell, a deputy sheriff of King county, Dr. Charles Cherry, F. M. Syner and R. R. Phillips went with a crew of four Indians to Holmes Harbor, Whidby's Island, and arrested the two murderers. A rescue was attempted by the tribe. In the struggle, Dr. Cherry was mortally wounded, and died the next day, March 6, 1853. None of the arresting party escaped severe wounds. One of their Indian crew was mortally wounded, and shortly died. The others escaped. One of the prisoners was killed, the other escaping.

It will be readily appreciated that such acts as these on the part of the white men, however laudable and commendable, were naturally calculated to leave exasperated feelings. They might not openly exhibit hostility; but sooner or later those feelings might manifest themselves in an outbreak of a band, or in acts of sullen and murderous revenge against unprotected Whites. In 1853, near Seattle, a white man had been killed by an Indian, and buried on the shores of Lake Union. That killing of a man unmissed would have remained unknown; but the Indians themselves reported the murder. The body was disinterred; but the victim was a stranger whom no one could identify. For that murder, two Indians were hanged on the accusations of their people,

without a trial. Their guilt was established according to the custom of the red man; and the people of that race sympathized with the executioners and clamored for the punishment of the two outlaws and desperadoes of their race of whom they lived in constant fear. Shortly afterwards, at Seattle, an Indian killed his wife. On the day that horrible crime was committed, he was hanged by white men. He was an outlaw, called by his people a bad Indian; and they should have punished him, not the white population of Seattle. Three white men, who were accused of participating in that execution, were indicted for murder. One of them stood his trial for murder. The case was stubbornly contested. The Judge denounced mob violence, and charged the jury that it afforded no excuse. The jury remained out all night; but the prisoner was finally acquitted. The Prosecuting Attorney, Frank Clark, Esq., then entered a *nolle prosequi* in the case of the other two.

That Indian murderer, so hated by his people as to warrant them in having demanded his punishment, had friends; and so it is said and believed that two white men, respectively named Rodgers and Phillips, soon afterwards were murdered in cold blood by Indians to expiate the death of that Indian who had killed his wife, and had paid the penalty by having his own taken by an enraged populace. Indians said that Rodgers and Phillips suffered death to expiate the killing of the uxoricide. These circumstances are here detailed as exhibiting some of those underlying causes which serve to illustrate the surroundings of the settlers at that period. They will also measurably explain the *status* of the Indian mind towards the white population. Through the wise and conciliatory conduct of Governor Mason, the patriotic and prudent course of the settlers, and the very general kindly feeling between the settlers and Indians, fostered by a feeling of mutual dependence on each other, hostilities were, for the time, averted, and quiet restored.

Colonel Ebey, collector of customs, in May, 1854, in the sloop *Sarah Stone*, made an official tour to points down the Sound. While mainly prompted in the line of his official duty as a revenue officer, incidentally his labors were directed to ascertaining the cause and extent of the then existing Indian troubles. On visiting San Juan Island, he found over three thousand head of sheep, cattle, horses and hogs, and was informed by those in charge that such stock had been imported, in December, 1853, from Vancouver Island, and that no attempt had been made to enter the same at the United States custom-house, nor to tender or pay duties. Collector Ebey, upon his arrival on the island, was visited by Charles James Griffin, who informed him that he was a justice of the peace, and had come, in the name of Governor James Douglas, to inquire the occasion of his visit to the island. Collector Ebey declined to answer questions. On the next day, the Hudson's Bay Company's steamer *Otter* arrived in the harbor, having on board Mr. Sangster, collector of customs of Fort Victoria, who, on coming ashore, demanded of Collector Ebey his business upon San Juan Island. Ebey replied that he was on "official business as collector of customs of the district of Puget Sound." Whereupon Collector Sangster informed Collector Ebey that he should "make seizures of all vessels and arrests of all persons found navigating the waters west of the Rosario Straits and north of the middle of the Strait of Juan de Fuca." To which Collector Ebey responded that an United States revenue officer should be established upon the island to enforce the revenue laws of the United States, where the same were attempted to be violated. He expressed the hope that, in the performance of official duties, the United States officer so left would not meet with any person so rash as to interfere with his performance of duty, under pretense that the party interfering was an officer of the British government, or was employed by the colonial authorities of Vancouver Island.



G. P. KUYKENDALL, M. D.

POMEROY, W. T.

Collector Sangster then notified Collector Ebey that James Douglas, Governor of Vancouver Island and Vice-Admiral of the British Navy, was on board the *Otter*, and, if Collector Ebey wished to see him, the governor would receive him. Collector Ebey replied that if Governor Douglas had official business with Collector Ebey, and desired an interview, he would receive him at his tent on shore. Sangster then retired to the steamer, and returned to the shore with a boat and crew; and the *Otter* immediately steamed out of the harbor. The next morning Collector Ebey appointed and swore in Captain Henry Webber as an United States inspector of customs. Webber's instructions were given in the presence of Mr. Justice Griffin and Collector Sangster, who threatened to arrest Webber and carry him to Vancouver Island. Shortly after Ebey's departure, an attempt was made to arrest Webber; but it was abandoned. Captain Webber shortly after made a visit to Victoria; and no trouble grew out of the two collectors asserting revenue jurisdiction over the then disputed island of San Juan.

Governor Stevens, then in Washington City, having been advised of the raids made by the Northern Indians, and of the unsettled state of mind of the settlers on the lower Sound, as also the questionable attitude of the native tribes, made application August 15, 1854, to the Secretary of War for one thousand stand of arms, one hundred thousand cartridges and a small number of revolvers, to be placed in a depot at Fort Steilacoom, in charge of the commandant of that post, subject to the requisition of the governor of the territory. With hardly a corporal's guard of United States troops in the territory, without even a revenue cutter upon the Sound to drive those marauders from these waters, yet the answer made, August 18th, by the Secretary, was that "the territory is not entitled to and cannot be supplied with arms until the return of the effective militia therein is received." Comment is unnecessary on this continued neglect of the government to protect the frontier settlements. The presence in the territory of that requested quota of arms and ammunition, so rightfully due to the territory, especially as the government had no disposition to station sufficient forces within it, would by its moral effect alone upon the Indians have averted the war which so soon followed. And if, with one thousand armed militia, an outbreak had occurred, will it be questioned that our people would have made quick work in restoring peace, with but trifling expense to the general government?

During the first session of the Thirty-third Congress (1853–54), much beneficial legislation had been accomplished for the territory. The amendatory act of July 17, 1854, to the Donation law (September 27, 1850), provided that a Donation claim should be restricted to lands settled upon for purposes of agriculture, and should not in any case include a townsite, nor lands settled upon for purposes of business or trade; and all legal subdivisions included in whole or in part in such townsites, or settled upon for business or trade, should be subject to the operations of the act of May 23, 1844, for the relief of certain citizens of towns. That provision was, however, liberally construed by the general land-office; and a settlement taken for agricultural purposes, which subsequently became a townsite or business location, was not affected by the statutory inhibition. The proviso to section one lessened the period of continuous residence, to acquire a right of purchase, to one year. Contracts for the sale of land were made valid after completion of residence, instead of issuance of patent, as provided by the original law. The time for giving notice of Donation claims was extended to December 1, 1855. The provisions of the pre-emption law were extended over the territory. Two townships of land were reserved for university purposes. It secured to orphans, whose parents or either of them, while living, would have been entitled to the benefits of the act, a quarter section of land. It authorized the

President to appoint a register and receiver, to hold their offices at such place as he should direct, established the territory as a separate surveying district, and created the office of surveyor-general of the territory (1). A large appropriation was made to effect the extinguishment of the Indian title to the lands in the territory. Lighthouses were ordered to be erected upon the waters of Puget Sound; and an appropriation therefor was made. Mail routes were extended so as to embrace all the settlements on Puget Sound and its adjacent waters, and from the valley of the Columbia, by Cœur d'Alene Mission, to Fort Benton.

The delegate, assisted by his able coadjutor, Governor Stevens, and the Oregon delegate, General Joseph Lane, urgently pressed the passage of acts providing for marking the northern boundary of the United States westward from the Lake of the Woods to the Pacific Ocean, and to provide for the creation of a commission to investigate the claims of the Hudson's Bay and Puget Sound Agricultural Companies, and to report for what sum their possessory and other rights in the territory could be extinguished by purchase. Both these measures were passed in one branch, but failed in the other.

It may properly be noted, that the cruel massacre of the Ward party, consisting of twenty-one immigrants, near Fort Boise, on the 28th of August, by a party of Wenet Indians (a band of the Snake or Shoshonee nation), created great consternation, and added to the general and growing solicitude as to the uncertain relations between the settlers and their aboriginal neighbors. A force was dispatched from Fort Dalles under command of Major Granville O. Haller, U. S. Army, consisting of United States troops (Fourth Infantry), and a company of thirty-seven volunteers, composed of immigrants and settlers near The Dalles, in command of Nathan Olney (2). On the 18th of September, Governor Curry of Oregon called for two companies of volunteers. He suggested to Major Raines, U. S. Army, the commandant of Fort Dalles, the co-operation of those volunteers with the regulars; but that officer declined such co-operation, and, on the 23d, the Governor countermanded the call.

In the month of September, 1854, Governor Stevens, as superintendent of Indian affairs, submitted a report to the Indian Bureau, in which he estimated the total Indian population of Washington Territory as follows: Tribes east of the Cascade Mountains, 6,500; tribes west of the Cascade Mountains, 7,599. The names of the nations, tribes and bands were given, with their respective numbers. The territory inhabited by each was delineated on a map accompanying. The extinguishment of the so-called Indian title to lands within the territory had long and persistently been demanded by the citizens. The titles to their land claims remained in abeyance until such action had been consummated by the government. It is foreign to the purpose of the narrative to inquire or settle the measure of title or possessory right the aborigines possessed or could set up by reason of their roaming over or frequenting at uncertain intervals any particular area. It was surely transitory, vague and uncertain; but the government had long recognized this traditional proprietorship. It had concluded itself, in its land laws, to extinguish such title or claim before recognizing the right of a settler, or confirming to him a title to land.

Hence, it was a matter of individual interest to every settler upon the public land of the territory that this *title* should be extinguished; for till such extinguishment he could not receive from the government a title to his home. It is true that no Indian had ever

(1) See *ante*, the appointment of the first surveyor-general.

(2) The bearing and intimate connection of this massacre and its attempted punishment is more properly of the series of acts leading directly up to, if not a preliminary of, the Indian war, which shortly followed, in the account of which it will be more fully narrated.

set up claim to land settled upon. Yet was such course advisable to assure the maintenance of peaceful relations with the Indians; for they had been taught that they had some claim or interest to sell to the government. Just what, they did not appreciate, for they had never claimed anything as between themselves; and land or landed possessions had never been taken into consideration by them as property. It is readily conceded that it was policy to assume that the government was purchasing this claim, or the right to traverse and dispose of the lands. Such purchase or gift at least created a right whereby the government could assert authority, and that too, with the Indians' consent, to control the Indian, to designate the territory to which he must confine himself, and also to assume a police regulation, and place the Indian where he could do the least harm to the Whites, if evil-disposed, as well as be protected from annoyance, outrage or fraud by designing, unscrupulous and irresponsible Whites. Such at least was the philanthropic view of Governor Stevens when writing that report. He had treated fully as to the number, peculiarities and surroundings of the various tribes; in it is set forth the *status* of certain bands, and the disciplinary system adopted to secure good order, and promote peace to the settlements. He referred to the refractory spirits among them, and the steps taken to keep them in proper subjection. Of a large tribe who had caused much trouble and anxiety to American settlers, who still adhered to their British preferences, which measurably occasioned their *quasi* independence, and their insolent indifference to American restraint, he said:

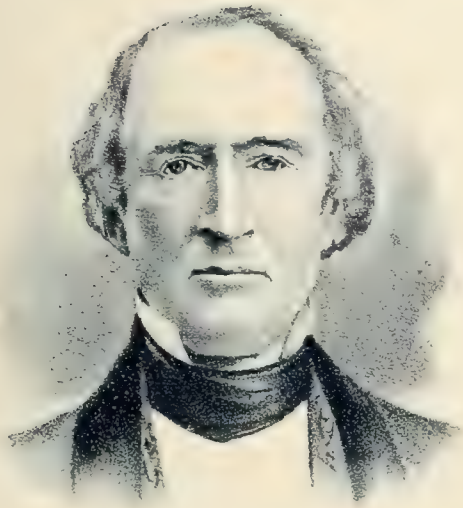
"The Clallams, as well as the Makahs and some other tribes, carry on a considerable trade with Vancouver Island, selling their skins, oil, etc., and bringing blankets in return. At present it is hardly worth while to check this traffic, even if it were possible; but, when the white population increases, it may become necessary as a revenue measure. In any treaties made with them, it should enter as a stipulation that they should confine their trade to the American side. A part of the Clallams are permanently located on that island; and it is believed that their language is an extensive one. The Lummi, on the northern shore of Bellingham Bay, are a branch of the same nation. This tribe have, within the last year, been guilty of the murder of three Americans, as well as of several robberies,—for the first, that of a man named Pettingill. One of the two perpetrators was secured by arresting the chief, and has been in custody some two months at Steilacoom awaiting his trial. The other case was the murder of Captain Jewell, master of the barque *John Adams*, and of his cook, and was unknown until recently, as it was supposed that Jewell had absconded. In both instances the parties had considerable sums in their possession, which fell into the hands of the Indians. On learning of the last affair, a requisition was made by me upon the officer commanding the military post at Steilacoom, and a party promptly dispatched there to support the special agent in securing the criminals. Some severe lesson is required to reduce them to order, as their natural insolence has been increased by the weakness of the settlements near them, and by the facility with which they can procure liquor. The establishment of a military post at some point on the strait would be very desirable for the purpose of overawing them and their neighbors."

Our people were in a tinder-box, on all proper occasions reminding the general government of the great fact that the early settlers, while laying the foundation of a future commonwealth which should contribute grandeur to the American name, were hazarding the lives of themselves, and those dependent upon them, through the negligence and failure of duty of the government, who had invited them hither under the implied pledge of protection.

Governor Stevens' report furnished an illustration of a trait of Indian character which teaches the necessity of watching them closely, and acting judiciously to avoid their enmity and the danger therefrom: "The jealousies existing among all these petty bands, and their fear of one another, is everywhere noticeable in their establishing themselves near the Whites. Wherever a settler's house is erected, a nest of Indian rookeries is pretty sure to follow, if permitted; and, in case of temporary absence, they always beg storage for their valuables. The compliment is seldom returned; though it is often considered advantageous to have them in the neighborhood as spies on others. Some amusing traits of character occasionally develop themselves among the Indians, of which an instance happened with these. A saw-mill was erected during the last autumn upon the outlet of the lake, at a place where they are in the habit of taking salmon. The fishery was much improved by the dam; but what afforded the greatest satisfaction to them was its situation upon their property, and the superior importance thereby derived to themselves. They soon began to understand the machinery, and took every visitor through the building to explain its working, and boast of it as if it had been their own construction."

Having thus fully exhibited that he had studied the traits of character of individuals, as well as the strength and the needs of tribes, he concluded: "Although my attention has been earnestly directed to the measures which should be adopted for ameliorating the condition of the Indians in Washington Territory, I do not propose here to enlarge upon this subject. As the duty will devolve upon myself to negotiate treaties with the Indians of the territory, and, in conjunction with another commissioner, with the tribes of the Blackfoot nation, it would be obviously improper to commit myself to views which might need modification when deliberate consultations shall take place with the Indians in council. The great end to be looked to is the gradual civilization of the Indians, and their ultimate incorporation with the people of the territory. The success of the missions among the Pend d'Oreille and Cœur d'Alene Indians, and the high civilization, not to say refinement, of the Blackfoot women, who had been married to Whites, shows how much may be hoped for.

"It is obviously necessary that a few reservations of good lands should be large enough to give to each Indian a homestead, and land sufficient to pasture their animals, of which land they should have the exclusive occupation. The location and extent of these reservations should be adapted to the peculiar wants and habits of the different tribes. Farms should be attached to each reservation, under the charge of a farmer competent fully to instruct the Indians in agriculture and the use of tools. Such reservations are especially required in consequence of the operation of the Donation Act, in which, contrary to usage and natural right, the United States has assumed to grant, absolutely, the lands of the Indians without previous purchase from them. It has followed that, as settlers poured in, the Indians have been thrust from their homes without any provision for their support. In making the reservations, it seems desirable to adopt the policy of uniting small bands under a single head. The Indians are never so disposed to mischief as when scattered, and therefore beyond control. When they are collected in large bands, it is always in the power of the government to secure the influence of the chiefs, and through them to manage the people. Those who at present bear the name have not sufficient authority; and no proper opportunity should be lost in encouraging them in its extension. In conclusion, I would express the hope that the administration of Indian affairs in this new and interesting field may illustrate, not so much the power, as the beneficence and paternal care of the government."



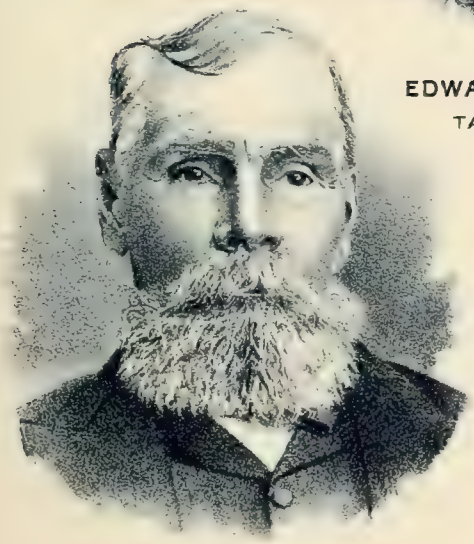
GEN[L] M. M. Mc CARVER,
TACOMA, W.T.
A PIONEER OF 1843.



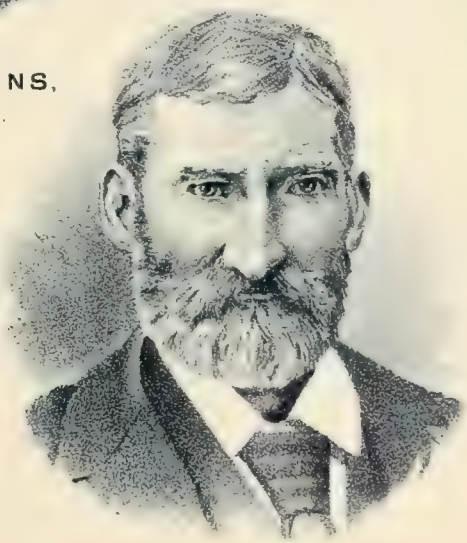
MRS. M. M. Mc CARVER,
TACOMA, W. T.
A PIONEER OF 1847.



EDWARD HUGGINS,
TACOMA, W. T.



JOHN FLETT,
LAKE VIEW, W. T.



JOHN CARSON,
TACOMA, W.T.

These extracts are presented to show the *animus* of the man who was about to enter upon the duty of treating with the native tribes of Washington Territory for the cession to the United States of whatever right of territory had attached indefinitely to a large area, and in exchange the conferring upon them of tangible, well-defined benefits. Many of the beneficent suggestions he then made have since been adopted as the best solution of the problem of Indian proprietary rights to reserved lands. In the month of December, the governor had returned to Olympia. He delivered to the legislature, 1854–55, which there convened on the first Monday of that month, his annual message. It detailed the services he performed at the national capital, rehearsed briefly congressional proceedings regarding the territory, urgently pressed the importance of immediate organization of the militia, alluded to the massacres of immigrants on the plains during the past year, and recommended memorializing Congress to place upon that trail such a force as will inflict summary chastisement on hostile Indians, and render it safe for our immigrants moving in small bodies. In that document will be found an admirable exhibit of territorial resources, and the claim of the territory to the fostering care of the national government, the geological survey thereof, and the building of necessary roads. After invoking the attention of the legislature to the necessity of erecting proper places for the confinement of those who had violated the law, he concluded his message: "In closing this communication, I will indulge the hope that the same spirit of concord and exalted patriotism which has thus far marked our political existence will continue to the end. Particularly do I invoke the spirit in reference to our Indian relations. I believe the time has now come for their final settlement. In view of the important duties which have been assigned to me, I throw myself unreservedly upon the people of the territory, not doubting that they will extend to me a hearty and generous support in my efforts to arrange, on a permanent basis, the future of the Indians of this territory."

As soon as the session of the legislature had commenced its labors, Governor Stevens at once actively entered upon the duty of treating with the Indian tribes west of the Cascade Mountains. The first treaty, known as the "Medicine Creek Treaty," was concluded and signed December 26, 1854, and was ratified by the United States Senate March 3, 1855 (1). By it the Nisqually, Puyallup, Steilacoom and other tribes and bands of Indians "occupying the lands lying round the head of Puget Sound and the adjacent inlets, who, for the purposes of this treaty, are to be regarded as one nation," relinquished and conveyed their right, title and interest in the country occupied by them, reserving three small tracts, each containing two sections of land. Upon these reservations, they were to remove within one year after the ratification of the treaty. No white man was to reside upon said reservations without their permission, and that of the superintendent or agent. Until they removed to such reservations, they were at liberty to occupy any land unclaimed by a citizen, or to go upon a citizen's land with permission of the owner. If it became necessary to cross said reservations by a public road, the right of way was allowed; and to each was assured a right of way to secure free access to any public highway. The right of taking fish at usual and accustomed grounds, in common with citizens, and the privilege of erecting temporary houses to cure the same, of hunting, gathering roots and berries, and pasturing their stock on open and unclaimed lands, were all guaranteed; but they were not to take shell fish from beds marked or cultivated by citizens.

For the territory thus divested of Indian possessory right, the United States covenanted to pay $32,500, in manner following: For the first year after ratification,

(1) United Statutes at Large, Vol. X, page 1132

$3,250; for the next two years, $3,000 each year; for the next three years, $2,000 each year; for the next four years, $1,500 each year; for the next five years, $1,200 each year; for the next five years, $1,000 each year. To enable the Indians to settle upon the reservations, to clear, fence and break up necessary tillable land, the United States was to pay the sum of $3,250. In all the treaties which follow, it is proper to remark that a payment is guaranteed for the objects above-mentioned equal to ten per centum of the consideration for the release. The Indians consented to be removed to other reservations, or to be consolidated with other bands and be located upon a large central agency for all the Indians, provided they were indemnified for any improvement they might sacrifice in such removal. Reserved lands, at the discretion of the President, may be surveyed into lots, which may be assigned to individuals or families, who will locate and make a permanent home. Annuities shall not be taken to pay the debts of individuals. The Indians acknowledge their dependence on the United States, and promise friendship with the citizens thereof, and pledge themselves not to commit depredations on the property of any citizen. Violations of this pledge shall be followed by the return of the property; or, if injured and destroyed, compensation shall be made by the government out of the annuities. No tribe will make war on another tribe, except in self-defense, but will submit all matters of difference to the agents of the government, and abide by such decisions. In cases of depredation committed on another Indian's property, the same rule applies as in the case of white persons; and they will not shelter nor conceal offenders against the laws of the United States, but deliver such offenders to the authorities for trial. Ardent spirits are to be excluded from the reservation. If an Indian bring it there and drink it, his annuity may be withheld.

Within one year after the ratification of the treaty, the United States is to establish at the general agency for Puget Sound district, and support for twenty years, an industrial and agricultural school free for the children of these bands in common with those of other tribes, and provide teachers; also a smithy and carpenter shop, and furnish the necessary tools; and employ a blacksmith, carpenter and farmer for a term of twenty years to instruct the Indians in those occupations respectively. A physician shall be employed to reside at the central agency, to furnish medicine, advise and vaccinate them, all of which expenses shall be paid by the United States, and not be deducted from the annuities. All slaves are to be freed; and none shall hereafter be purchased or acquired. The tribes agree that no Indian shall trade at Vancouver Island, or out of the United States, nor shall any foreign Indian be permitted to reside on the reservations without the consent of the superintendent or agent.

It is a noteworthy fact that the first Indian signature to the Medicine Creek Treaty is that of Quiemuth. His brother Leschi signed third. They were the two leading spirits in the organization of Indian hostility in the fall of 1855. They both infused life into that conspiracy, and held together that hostile combination on Puget Sound. They were in that war that Tecumseh and his brother, the Prophet, were in the war of 1812, on the then northwestern frontier. Natural leaders, born orators, consummate strategists, fertile in resource and of brilliant audacity, they gave strength to the malcontents, and transformed a mere outbreak into a protracted war.

The negotiations and signing of subsequent treaties followed in rapid succession (1). The same features, privileges and conditions permeated all of them. Substantially they

(1) Except the Medicine Creek Treaty, none of the treaties negotiated by Governor Stevens were at the time ratified by the United States Senate. Those that followed were ratified March 8, 1859, and proclamation made a few days later. See United States Statutes at Large, Vol. XII, pages 927 et seq.

are intended to be the same, so far as circumstances and surroundings will admit. They differ of course in the description of territory ceded, the reservations made, and in the amount paid by the government for the relinquishment of claim. In their negotiation, the most scrupulous care was manifested to make plain to all the Indians every provision. The objects and effects were thoroughly explained. Careful and conscientious interpreters were employed. Every Indian was afforded the freest, fullest opportunity to give expression to his opinion, or to urge objection. Those treaties subsequently negotiated are as follows:

The Point Elliott Treaty, signed at Muckelteo, January 22, 1855, was ratified by the Senate March 8, 1859. It was between the United States and the Dewamish, Snohomish and other tribes on the east side of the Sound, from Puyallup northward to the boundary line, and eastward to the Cascade Mountains. Among the chiefs who signed were the venerable Seattle and the crafty Patkanim. The purchase money was $150,000. The Point-no-Point Treaty, signed January 26, 1855, ratified March 8, 1859, was with the Clallam nation, the tribes and bands living upon the Strait of Fuca and Hood's Canal, for the country occupied by them. The sum paid was $60,000. The Neah Bay Treaty, signed January 31, 1855, ratified March 8, 1859, was with the Makah Indians for the country surrounding and adjacent to Cape Classet or Cape Flattery. The consideration to be paid was $30,000. Those treaties included all of the tribes and bands of Indians west of the Cascade Mountains with whom it was practicable at that season to secure a council of the tribes. There had only been omitted the Quenaitl and Quiltehutes (1) on the Pacific coast, occupying the territory north of Gray's Harbor up to the south boundary of the Makah territory, the Chehalis tribes and those straggling bands residing in the vicinity of Shoalwater Bay and upon the Lower Columbia, perhaps numbering a total of between seven and eight hundred. His diplomatic labors having been completed as far as they could be at that time, Governor Stevens returned to Olympia.

Whilst the governor had thus been engaged in treaty making, the legislature, which had convened on December 4, 1854, continued in session the full term of sixty days, adjourning the 1st of February, 1853. It passed amendments to the school, road and fence laws, and changed the time of holding the general election to the second Monday of July. A crude militia law was passed, which provided for the enrollment and organization of the militia, sufficient however to meet the objection of the Secretary of War, and to entitle the territory to its quota of arms and ammunition. Chehalis county was detached from the second judicial district and annexed to the first district for judicial purposes. Chief Justice Lander and Associate Justice Chenoweth were exchanged, the former coming to the second district, and Judge Chenoweth succeeding him in the third district. The representation in the house was increased from eighteen to thirty members. Considerable legislation in regard to county seats and county lines was accomplished. The marriage law was altered, not amended. It was made to declare that all marriages were void between parties where one of the spouses was a white person and the other more than one-fourth negro or one-half Indian blood, except that parties within the proscribed classes then unlawfully living together could marry; and such marriage would not be a violation of the amendatory act. A penalty of not less than fifty nor more than five hundred dollars was to be imposed against clergymen or judicial officers

(1) These two bands were negotiated with, and the *basis* of a treaty agreed upon July 1, 1855, at a meeting on the Quenaitl river. The formal treaty was signed at Olympia on the 25th of January, 1856, after the return of Governor Stevens from the Blackfoot council. It is called the "Olympia Treaty." The territory ceded is on the Pacific coast, between the south boundary of the Makah country and Gray's Harbor. The purchase money was $25,000.

solemnizing such marriage. The sale, exchange or gift of liquor to Indians was made a territorial misdemeanor, subjecting the party convicted to a penalty of not less than twenty-five nor more than five hundred dollars. Much of the session was devoted to the consideration of measures providing for the location of the public territorial buildings. A number of acts were generally passed whereby the university was located at Seattle, the penitentiary at Vancouver, and the seat of government at Olympia. The Penitentiary Bill located that institution at the county seat of Clark county, provided ten acres of land were donated to the territory free of expense, "the deed thereof to be satisfactory to the commissioners" to be appointed. An act followed appointing a commission to select the site and superintend construction, defined the duties of said commissioners, and prescribed the capacity of said institution: "Cells to confine separately one hundred convicts at night" (1).

The location of the university gave occasion for the passage of several bills. One established the university at Seattle, and located a branch upon Boisfort Prairie in Lewis county. Of the congressional reservation of two townships of land for university purposes, the act assigned one township to the main institution, the other to the branch. Both were placed upon the same footing, the difference alone being in the name. The act was an attempted location of two universities, the splitting of a grant wisely intended by Congress for one only. Commissioners were appointed to select and locate the two townships of land granted for university purposes; but they were restrained from selecting more than two sections each, prior to the meeting of the next session of the legislature (2).

The seat of government was established upon ten acres of land upon the Donation claim of Edmund Sylvester, immediately south of the platted townsite of Olympia. The places contending as sites for the capital were Olympia, Steilacoom and Vancouver. Having located the seat of government, the act to take effect fifteen days after passage of the bill, a joint committee consisting of three from the Council and two from the House were appointed to examine the title to the land donated. Alexander S. Abernethy, Benjamin F. Yantis and Henry Miles were appointed on the part of the Council. William H. Wallace and Timothy Heald were the House members of that commission. Colonel Wallace acted as chairman. He, with Messrs. Miles and Heald, reported the title unsatisfactory, and recommended the repeal of the Location law. Messrs. Abernethy and Yantis reported the title papers as exhibits, and suggested that the title was as good as any title to lands in the territory could be made. They appended to their report a supplementary bill, instructing the secretary of the territory to file the title deeds, and to repeal so much of the former law as made it operative after fifteen days. It declared the Location law in force from and after its passage. The supplementary bill passed. Olympia remained the seat of government. The Assembly then, by joint resolution, requested the governor to utilize the appropriation of $5,000, made for the purpose of erecting temporary capitol buildings, which request was complied with; and, during the summer following, the building since used as a capitol was erected.

That legislature passed an act entitled, "An Act to prohibit the manufacture and sale of ardent spirits in the Territory of Washington." That law was in all respects a duplicate of what was then called the "Maine Law." It prohibited the manufacture, sale

(1) Under those acts the site was located, considerable material was collected upon the ground, and some progress made in foundation work. Later, however, that location was abandoned before any progress had been made in erecting buildings; nor was there ever any judicial recognition of Vancouver as the place where territorial convicts should be incarcerated.

(2) Nothing whatever was ever attempted to be done under either of the university location laws passed during the session of 1854-55.



ULMER STINSON ESQ.,
SNOHOMISH, W.T.

or gift of spirituous liquors. It provided for an agent to sell spirits for medicinal, mechanical and sacramental purposes, and no other, and prescribed the duties of, and manner of, qualification of such agent, imposed a penalty for violation of the law, and declared that all sales, transfers, conveyances or securities in payment for liquors null and void. The act was to go into effect from and after November 1, 1855, if the majority of voters at the general election in July, 1855, should vote in favor thereof, and prescribed the manner of voting. It never went into effect. At the election, 540 voted "for," and 610 "against."

The memorials passed were few in number and upon eminently practical subjects, which commended themselves to favor; and quite a number sooner or later secured favorable action. The extinguishment by purchase of the rights of the Hudson's Bay and Puget Sound Agricultural Companies; an urgent request to reimburse the emigrant road builders of 1853; that Olympia, San Juan Island and Shoalwater Bay might be created ports of delivery; that protective legislation be made in favor of the proprietors of townsites and purchasers of lots; for increased mail facilities, in which memorial the prayer was incorporated to pay the owners of the steamer *Major Tompkins* (1) for carrying the mails on Puget Sound from October 1, 1854; to allow the governor to accept the services of two companies of mounted volunteers, to serve for twelve months, to protect emigrants traveling westward from the South Pass to Oregon and Washington, and to reduce the military reserve at Fort Vancouver to twenty acres.

Governor Stevens, as superintendent of Indian affairs, and General Joel Palmer, had been appointed, by the Indian Bureau, commissioners to treat with the Yakima and Nez Perce nations, and with confederate tribes of the Walla Wallas, Cayuses and Umatillas. James Doty, late a member of the Northern Pacific Railroad survey, and who had been appointed by Governor Stevens secretary of the treaty commission, had in January been detailed to visit those tribes to ascertain whether they continued of the same mind that they had evinced to Governor Stevens in person, when he passed through their country late in 1853. Circumstances had recently occurred calculated to have alienated their then pretended loyal feelings. Gold had been found in paying quantities in the northern part of the territory, upon the bars of the tributaries of the Upper Columbia; and many miners had journeyed thither through territory hitherto untraveled by white men. The previous season Major Haller of the U. S. Army, with armed United States troops, accompanied by armed white settlers, had moved through their territory with intent to make war against Indians, to chastise those perfidious Shoshones who had in cold blood and without a cause murdered the immigants of 1854 near Fort Boise. Many were soured and disaffected, some were *quasi* hostile; and yet to Mr. Doty they professed that continuing desire to treat for the sale of their lands. They rendered the same lip-service that they had accorded to the governor. They promised to meet him in grand council on the 20th of May.

On the 12th of May, Governor Stevens left Olympia for Eastern Washington. He stopped at The Dalles; and, as he believed that many of the Indians were restless, he requested of Major Rains, U. S. Army, in command of Fort Dalles, that a small body of troops should be sent forward to the council ground to act as an escort to the commission, as also to guard the treaty goods which were to be carried thither and be distributed among the Indians. Major Rains detailed Lieutenant Gracie, U. S. Dragoons, with a force of

(1) The steamer *Major Tompkins*, a propeller, was brought to Puget Sound in September, 1854, by John H. Scranton and Captain James M. Hunt, and was the first steamboat to engage in regular trips between Olympia and Victoria via the Sound ports. She was lost in February, 1855, while coming out of Port Victoria in a dense fog.

forty men, including two half-breed packers, and a Cayuse Indian to act as guide, named Cutmouth John, who was so called by reason of having been shot in the mouth in a fight with Snake Indians. Lieutenant Gracie's command was reinforced before reaching Walla Walla by falling in with a detachment of ten men under command of a corporal, who had been dispatched in pursuit of Indian murderers but had failed to find them. The governor and Superintendent Palmer had arrived at the council ground before the military escort. That place of meeting had long been the traditional council ground for the meetings of those nations; and it had been designated by Kamiakin, head chief of the Yakima nation, in his interview with Mr. Doty, when he consented to meet in council. The goods for distribution had been stored at old Fort Walla Walla, a trading-post of the Hudson's Bay Company, then in charge of James Sinclair, a clerk in the company's service.

The Indians were tardy in making their appearance. On the twenty-fourth, the Nez Perces, twenty-five hundred strong (1), with Lawyer, their head chief, arrived. On the twenty-sixth came three hundred Cayuses. On the twenty-eighth, the Yakimas and the confederate bands of Umatillas and Walla Wallas swelled the assembled number to about five thousand. On the afternoon of the twenty-ninth, the council was formally opened by Governor Stevens in an appropriate speech, explaining briefly the purposes for which they were assembled. On the next day, both of the commissioners, in lengthy remarks, explained the objects of their presence there, which were, as the sentences were uttered, interpreted in turn in the Nez Perce and Walla Walla tongues,—a very tedious and protracted method. On the thirty-first, the commissioners again explained; but no words of response came from any Indian. On the 1st of June, the Indians declined to attend council with the commissioners, but held among themselves a council to discuss the propositions. Upon the 2d of June, the governor, in a brief speech, opened the council. He was followed by several chiefs in short addresses. A Cayuse chief closed with remarks unfavorable to the treaty. Briefly Governor Stevens closed the talk; and the council adjourned until Monday, the fourth. Upon that day, after the council had been opened by Governor Stevens, Lawyer, head chief of the Nez Perces, the first Nez Perce who had made a response, made a speech in favor of the treaty. He was followed by several chiefs; but there seemed to be but little headway made towards any understanding except with the Nez Perces, who, under Lawyer's lead, were ready to sign. On the fifth, Governor Stevens spoke more lengthily and forcibly than ever. General Palmer followed, speaking longer than an hour, attempting to illustrate to that motley horde how much satisfaction and benefit they would enjoy by civilization. He pictured to them the advantages of railroads and telegraphs,—"pearls before swine;" for he received no encouragement for his eloquence but the return of a savage grunt, the customary token of the Indian's close attention. Stechus, an old Cayuse chief, responded briefly, but indicated no change of sentiment on the part of that surly people. That night the Cayuses manifested unmistakable indications of growing hostile feelings towards the soldiery who were on the ground as guards, whose presence there was to resist an uprising, to quell disturbance, to keep the Indians peaceable; nor would they allow the officers to enter their camps.

On the sixth, the Indians again refused to attend the council, but held a consultation among themselves. On the next day, several chiefs participated in the speaking. An attender of every session of that council has reported its proceedings. Except the Nez Perces, the other Indians were still disinclined to the treaty. The Cayuses, in a body,

(1) "The Indian Council at Walla Walla," page 12. "A pamphlet printed not published," yet graphically written, by Lawrence Kip, U. S. Army who was the guest and companion of Lieutenant Gracie

were universally opposed to the treaty. Peu-peu-mox-mox, the old Walla Walla chieftain, had abandoned his usual caution, and openly denounced the sale of their lands. Kamiakin would have nothing to do with it. Joseph and Looking Glass of the Nez Perces opposed it. The Cayuses made no disguise of their bitterness of feeling against Lawyer for his advocacy of the treaty. Joseph refused to give his adherence unless it was pledged to him that he could retain his country, the Wallowa valley. Looking Glass, the war chief of the Nez Perces, would not be present at the council until the eighth (1).

"Friday, June 8th.—To-day it was nearly three o'clock before they met. After a few remarks by Governor Stevens, General Palmer made a long speech addressed to those chiefs who refused yesterday to accede to the treaty. He told them, as they do not wish to go on the Nez Perces' reservation (the tribes never having been friendly to each other), he would offer them another reservation, which would embrace parts of the lands on which they were now living. After this offer had been clearly explained to them and considered, all acceded to it, with the exception of one tribe, the Yakimas. It seemed as if we were getting on charmingly, and that the end of all difficulties was at hand, when suddenly a new explosive element dropped down into this little political caldron. Just before the council adjourned, an Indian runner arrived with the news that Looking Glass, the war chief of the Nez Perces, was coming. Half an hour afterwards, he, with another chief and about twenty warriors, came in. They had just returned from an incursion into the Blackfoot country, where there had been some fighting; and they had brought back with them, as a trophy, one scalp, which was dangling from a pole. Governor Stevens and General Palmer went out to meet them; and mutual introductions were made. Looking Glass then, without dismounting from his horse, made a short and very violent speech, which I afterwards learned was, as I suspected, an expression of his indignation at their selling the country. The council then adjourned.

"Saturday, June 9th.—This morning the old chief, Lawyer, came down and took breakfast with us. The council did not meet till three o'clock; and matters seem now to have reached a crisis. The treaty must either be soon accepted, or the tribes will separate in hopeless bad feeling. On the strength of the assent yesterday given by all the tribes, except the Yakimas, the papers were drawn up and brought into the council to be signed by the principal chiefs. Governor Stevens once more—for Looking Glass' benefit—explained the principal points in the treaty, and among other things told them there would be three reservations, the Cayuses, Walla Wallas and Umatillas to be placed upon one, the Nez Perces on another, and the Yakimas on the third, and that they were not to be removed to these reservations for two or three years. Looking Glass then arose and made a strong speech against the treaty, which had such an effect, that not only the Nez Perces, but all the other tribes, refused to sign it. Looking Glass, although nominally only the second chief, has more influence than Lawyer, and is in reality *the* chief of the different Nez Perce tribes. Governor Stevens and General Palmer made several speeches to induce him to change his decision; for, should he do so, the other chiefs would follow his example. But their efforts were in vain; and the council was obliged to adjourn until Monday.

"Monday, June 11th.—Before breakfast we had a visit from Lawyer, with some other Indians. At ten o'clock the council met. Governor Stevens opened it with a short speech, at the close of which he asked the chiefs to come forward and sign the papers. This they all did without the least opposition. After this was over, the presents which

(1) Lieutenant Kip's journal of the Walla Walla council before cited

General Palmer had brought with him were distributed; and the council, like other legislative bodies, adjourned *sine die*. We have now ended our connection with the council, and bid adieu to our Indian friends. It is therefore an appropriate place to say that we subsequently discovered we had been all the while unconsciously treading on a mine. Some of the friendly Indians afterwards disclosed to the traders that, during the whole meeting of the council, active negotiations were on foot to cut off the Whites. This plot originated with the Cayuses, in their indignation at the prospect of being deprived of their lands. Their programme was first to massacre the escort, which could be easily done. Fifty soldiers against three thousand Indian warriors, out on the open plain, made rather too great odds. We should have had time, like Lieutenant Grattan at Fort Laramie last season, to have delivered one fire; and then the contest would have been over. Their next move was to surprise the post at The Dalles, which they could also easily have done, as most of the troops were withdrawn, and the Indians in the neighborhood had recently united with them. This would have been the beginning of their war of extermination upon the settlers. The only thing which prevented the execution of this scheme was the refusal of the Nez Perces to accede to it; and, as they were more powerful than the others united, it was impossible to make this outbreak without their concurrence. Constant negotiations were going on between the tribes, but without effect; nor was it discovered by the Whites until after the council had separated."

The official proclamation of the conclusion of the treaty bears date the 12th of June. By that notice it is recited that the terms were agreed upon on the ninth, though the signatures were exchanged on the eleventh. Care has been taken to exhibit all that was done, and how it was done, though "it were not done quickly" at that memorable council; for those lands ceded became the battle ground of the war, so soon thereafter initiated and waged for a number of years; and the perfidious wretches who signed it were the chief actors. The cessions of territory, together with the reservations, were as follows:

By the Yakima nation, fourteen bands including the Palouse tribe, the land included within the following boundaries was ceded to the United States, to wit: Commencing at Mt. Ranier; thence northerly along the main ridge of the Cascade Mountains to the point where the northern tributaries of Lake Chelan and the southern tributaries of the Methow river have their rise; thence southeasterly on the divide between the waters of Lake Chelan and the Methow river to the Columbia river; thence crossing the Columbia, on a true east course, to a point whose longitude is one hundred and nineteen degrees and ten minutes; thence in a true south course to the forty-seventh parallel of latitude; thence east on said parallel to the main Palouse river; thence down the Palouse river to its junction with the southern tributary of the same; thence in a southeasterly direction to the Snake river at the mouth of the Tukanon river; thence down the Snake river to its junction with the Columbia river; thence up the Columbia river to the "White Banks" below Priest's Rapids; thence westerly to "La Lac"; thence southerly to a point on the Yakima river called Toh-mah-luke; thence in a southwesterly direction to the Columbia river at the western extremity of the "Big Island," between the mouth of the Umatilla river and Butter creek; thence down the Columbia river to midway between the mouths of White Salmon and Wind rivers; thence along the divide between said rivers to the main ridge of the Cascade Mountains; and thence along said ridge to the place of beginning.



J. B. BALL, ESQ.

STERLING, W. T.

PIONEER OF 1853.

There is, however, reserved from the land above ceded, for the exclusive use and occupation of said confederate tribes and bands of Indians, the tract of land included within the following boundaries, to wit: Commencing on the Yakima river at the mouth of the Attahnam river; thence westerly along said Attahnam river to the forks; thence along the southern tributary to the Cascade Mountains; thence southerly along the main ridge of said mountains, passing south and east of Mount Adams, to the spur whence flows the waters of the Klikitat and Pisco rivers; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Satass river from those flowing into the Columbia river; thence along said divide to the main Yakima, eight miles below the mouth of the Satass river; and thence up the Yakima river to the place of beginning. Also a tract of land, not exceeding one township of six miles square, situated at the forks of the Pisquouse or Wenatshapam river, and known as the "Wenatshapam Fishery;" which said tract shall be surveyed and marked out whenever the President may direct.

The country embraced in the cession, and included in the reservations, is opened to settlement, excepting that the Indians are secured in the possession of their buildings and improvements until removed to the reservation.

By the Nez Perces: Commencing at the source of the Wo-na-ne-she or southern tributary of the Palouse river; thence down that river to the main Palouse; thence in a southerly direction to the Snake river at the mouth of the Tukanon river; thence up the Tukanon to its source in the Blue Mountains; thence southerly along the ridge of the Blue Mountains; thence to a point on the Grand Ronde river midway between Grand Ronde and the mouth of the Wol-low-how river; thence along the divide between the waters of the Wol-low-how and Powder rivers; thence to the crossing of Snake river at the mouth of the Powder river; thence to the Salmon river, fifty miles above the place known as the "crossing of the Salmon river;" thence due north to the summit of the Bitter Root Mountains; thence along the crest of the Bitter Root Mountains to the place of beginning.

By the Walla Wallas, Cayuses and Umatillas, a tract of land having the following boundaries, to wit: Commencing at the mouth of the Tukanon river in Washington Territory; running thence up said river to its source; thence easterly along the summit of the Blue Mountains, to the source of Powder river; thence to the headwaters of Willow creek; thence down Willow creek to the Columbia river; thence up the channel of Columbia river to the lower end of a large island below the mouth of Umatilla river; thence northerly to a point on the Yakima river called Toh-mah-luke; thence to "La Lac;" thence to the "White Banks" on the Columbia below Priest's Rapids; thence down the Columbia river to the junction of the Columbia and Snake rivers; thence up the Snake river to the place of beginning.

Provided, however, that so much of the country described above as contained in the following boundaries shall be set apart as Indian reservations.

For the Nez Perce tribe, to wit: Commencing where the southern tributary of the Palouse river flows from the spurs of the Bitter Root Mountains; thence down said tributary to the mouth of the Ti-nah-pan-up creek; thence southerly to the crossing of the Snake river, ten miles below the mouth of the Alpowa river; thence to the source of the Alpowa river in the Blue Mountains; thence to the crossing of the Grand Ronde river, midway between the Grand Ronde and the mouth of the Wol-low-how river; thence along the divide between the waters of the Wol-low-how river and Powder river; thence to

the crossing of Snake river, fifteen miles below the mouth of Powder river; thence to the Salmon river above the crossing; thence by the spurs of the Bitter Root Mountains to the place of beginning.

For the confederate tribes of Walla Wallas, Cayuses and Umatillas, to wit: Commencing in the middle of the channel of the Umatilla river opposite the mouth of Wild Horse creek; thence up the middle of the channel of said creek to its source; thence southerly to a point in the Blue Mountains, known as Lee's encampment; thence on a line to the waters of the How-tome creek; thence west to the divide between the How-tome and Birch creeks; thence northerly along said divide to a point due west of the southwest corner of Wm. C. McKay's claim; thence east along his line to the southeast corner; thence in a line to the place of beginning.

The country embraced in the cessions, and not included in the reservations, is open to settlement, excepting that the Indians are secured in the possession of their buildings and improvements till removed to the reservations.

Fourteen confederate tribes and bands, for the purposes of the treaty, acknowledged themselves as one nation under the name of "Yakima," with Kamiakin as their head chief (1). Among them may be noticed the Yakimas, Palouses and Klikitats, all of whom lived north of the Columbia and Snake rivers. The area of the country described as released from Indian claim comprised twenty-nine thousand square miles. This treaty embraced substantially all the provisions incorporated into the Medicine Creek Treaty (see *ante*), with the additions or modifications about to be noted. The personal privileges and immunities, the personal pledges, the pledge of allegiance, were the same. For the release of the Indian title to the country of those fourteen tribes and bands, the commissioners stipulated, on behalf of the government, to pay to the Yakima nation, in addition to the goods and provisions issued to the Indians at the time of signing the treaty, the sum of two hundred thousand dollars, payable as follows: The sum of sixty thousand dollars to be expended within the first year after the ratification of the treaty, in making provision for their removal to the reservation; for breaking up and fencing farms, building houses for them, supplying them with provisions and a suitable outfit; and the remainder in annuities, viz.: For the first five years after the ratification of the treaty, commencing September 1, 1856, $10,000 each year; for the next succeeding five years, $8,000 each year; for the next succeeding five years, $6,000 each year; and for the next succeeding five years, $4,000 each year.

Within one year after the treaty should be ratified, the government was also to establish two schools and erect necessary buildings, and keep them in repair, provide books, furniture and stationery; one of those schools to be an agricultural and industrial school, to be located at the agency and to be free to the children of said tribes; to employ one superintendent of teaching and two teachers; to build two blacksmith shops, to one of which a tin shop shall be attached, and to the other shall be attached a gunsmith's shop; one carpenter shop, the necessary tools to be furnished; to employ, for the instruction of the Indians in trades, and to assist them in prosecuting the same, one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and plow maker; to erect a saw-mill and grist-mill and furnish the same with tools; to erect a hospital and provide the same with necessary medicines and furniture, and to employ a physician; and to erect and keep in repair all necessary buildings required for employés; the said buildings to be maintained and kept in repair, and the employés to be retained in service for twenty years.

1/ United States Statutes at Large, Vol. XII, page 951.

"And it is distinctly understood and agreed that, at the time of the conclusion of this treaty, Kamiakin is the duly elected and authorized head chief of the confederate bands styled the Yakima nation, and is recognized as such by them. And in view of the fact that the head chief of the said confederate tribes and bands of Indians is expected and will be called upon to perform many services of a public character, occupying much of his time, the United States further agree to pay five hundred dollars per year, for the term of twenty years after the ratification of the treaty, as a salary for such person as the said confederate bands of Indians may select to be their head chief, to build for him at a suitable point on the reservation a comfortable house and properly furnish the same, and to plow and fence ten acres of land. The said salary is to be paid to, and the said house to be occupied by, such head chief so long as he may continue to hold that office." The same salary, house and farm were secured to the head chief of the Nez Perces, and to each of the head chiefs of the Walla Wallas, Cayuses and Umatillas.

The treaty with the Nez Perces, like the Yakima treaty, contained those provisions common to all the Western Washington treaties. The consideration for the ceded territory, and the duties imposed on the United States government, were identical. It differed alone from all the others in this, that it contained a provision whereby it was agreed that "William Craig should continue to live with them, and that the tract of land now occupied by him, and described in his notification to the register and receiver of the United States land-office, on the 4th day of June last, shall not be considered a part of the reservation defined in the treaty, except that it shall be subject to the operations of the intercourse act."

In the treaty with the Walla Walla, Cayuse and Umatilla nations, as a rule the articles follow the language used in the other treaties. They are not exempted from any obligation imposed upon other tribes. They are guaranteed the same privileges and immunities. In its peculiar modified provisions or the additional articles, in the difference of phraseology or the additional sections, no departure from the general Indian policy adopted will be observed. The purchase money was to be paid as follows: For the five years commencing September 1, 1856, $8,000 each year; for the five years next succeeding, $6,000 each year; for the five years next succeeding, $4,000 each year; for the five years next succeeding, $2,000 each year.

"The United States further agree to expend the sum of $50,000 during the first and second years after the ratification of this treaty for the erection of buildings on the reservation, fencing and opening farms, for the purchase of teams, farming implements, clothing and provisions, for medicines and tools, for the payment of employés, and for subsisting the Indians the first year after removal. In addition there is to be erected upon the reservation one saw-mill, one grist-mill and hospital, two schoolhouses, a blacksmith shop, a carpenter shop, and a dwelling-house and necessary outbuildings for each of the following employés, viz.: two millers, one farmer, one superintendent of farming operations, two school teachers, one carpenter, the services and subsistence of each to be paid for the term of twenty years. To purchase and keep in repair, for the term of twenty years, all necessary mill fixtures and mechanical tools, medicines and hospital stores, books and stationery for school, and furniture for employés."

To Peu-peu-mox-mox (named in treaty as Pio-pio-mox-mox) the first payment of salary as head chief commenced with the signing of the treaty. It was not, as with all the other head chiefs, contingent upon ratification, or at a distant day. To him were also

granted other specialties: a dwelling-house was to be built for his son, with five acres plowed and inclosed; and one hundred dollars per annum, for twenty years, was to be paid to him, commencing with September 1, 1856. To that crafty old chieftain was granted the right to build and occupy a house near the mouth of the Yakima river for the term of five years, to be used as a trading-post in the sale of his bands of wild cattle ranging in that vicinity. Over and above all this he was to be given, within three months after the signing of the treaty, "three yoke of oxen, three yokes and four chains, one wagon, two plows, twelve hoes, twelve axes, two shovels, one saddle and bridle, one set of wagon harness, and one set of plow harness." In another article this proviso occurs: "That the head chiefs of the three principal bands, to wit: Pio-pio-mox-mox, Weyatenatemany, (head chief of the Cayuses) and Wenapsnoot (head chief of the Umatillas), shall each be secured in a tract of at least one hundred and sixty acres."

To the ordinary mind, this extra largess would seem the testimonial of the necessity to conciliate the influence of that seemingly sullen diplomat and veteran warrior. It shows at least that he had his way, and that his opposition to the treaty and to the surrender of the land at every stage had to be removed. It is questionable whether yielding to his arrogant demands did not have the contrary effect from the one intended. That the commissioners meant the best, and hoped to make the old chief a friend to the Whites, is certain; but they seemed to lose sight of the fact, that this is not the age of miracles, that they were powerless to change the leopard's spots, or to remove the vengeful feeling in that old man's bosom for the slaying of his son some years previous in California. The sequel too soon proved that those old conspirators first opposed, then unwillingly signed, their pretended cordial satisfaction, merely to throw the Whites off their guard in the great conspiracy which for years had been forming, which had been discussed at that council ground, and which so soon culminated in war against the Whites from the boundary line of California to British Columbia.

This treaty further provided that, in consequence of the immigrant wagon road from Grand Ronde to Umatilla passing through the reservation, thus leading to disputes between immigrants and the Indians, and as a more feasible route existed south of the present line, a sum not to exceed $10,000 was to be expended by the government in locating and opening a wagon road south of the southern boundary of the reservation, from Powder River or Grande Ronde to the plain at the western base of the Blue Mountains.

The article relating to the allotment of land to individuals of the tribes furnishes an elaborate view of the intention of the commissioners, and is therefore quoted *in extenso*.

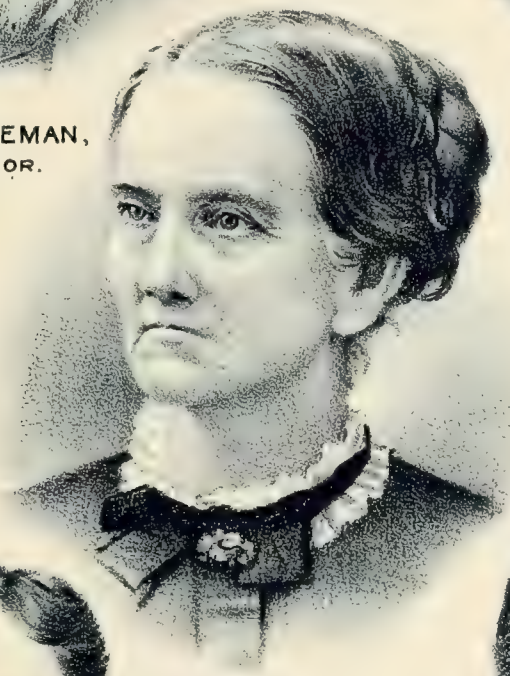
"Article VI. The President may, from time to time at his discretion, cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart, as a permanent home for those Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres to each additional three members; and the President may provide for such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and improvement thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such



P. F. CASTLEMAN,
PORTLAND, OR.



MRS. I. J. CASTLEMAN,
PORTLAND, OR.



MRS. C. S. DAVIS,
SUMMIT STATION, OR.



T. J. V. CLARK,
N. YAKIMA, W.T.



G. W. OZMENT,
CARTWRIGHT, OR.

assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale or forfeiture, which condition shall continue in force until a state constitution embracing such land within its limits shall have been formed, and the legislature of the state shall remove the restriction: *Provided, however*, that no state legislature shall remove the restriction herein provided for without the consent of Congress; *And provided also*, that if any person or family shall, at any time, neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall roam from place to place, indicating a desire to abandon his home, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their portion of the annuities or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation."

At the close of the council at Walla Walla, Superintendent Palmer of Oregon returned to The Dalles, where he concluded a treaty between the confederated tribes and bands of Indians of Middle Oregon, signed at Wasco June 25, 1855. The consideration was $150,000. The provisions in the main are similar to the other treaties, and, in the special clauses, follow more nearly the treaty with the Walla Wallas, Cayuses and Umatillas. Governor Stevens, with a number of Americans and a body guard of Nez Perces, started for Colvile; but the Indians in that vicinity declined to treat, and he was compelled to hasten forward. On the 16th of July, 1855, at Hellgate, in the Bitter Root valley, he concluded a treaty with the Flathead, Kootenai and Upper Pend d'Oreille Indians. The price for the extinguishment of the Indian title was $120,000. The features were similar to the other treaties. The head chiefs of the three tribes were allowed a salary of $500 per annum for three years, and were each provided with a house and farm of ten acres. That treaty concluded, Governor Stevens crossed the Rocky Mountains to Fort Benton.

Of the treaties negotiated during the year 1855, not one was ratified by the United States Senate. Such delay, however *mala fide* on the part of the United States, cuts no figure as a provocative of the war which followed a few months later; for that war in reality was inaugurated before the session of the Senate began, to which most of those treaties would have been submitted for ratification. One only (Medicine Creek), which was signed December 26, 1854, had been ratified (March 3, 1855). It has been quite extensively asserted that those treaties caused the Indian war which so soon succeeded their conclusion. Such allegation, so devoid of justice and truth, has rendered necessary a full exhibit of the conduct of the contracting parties, the motives which actuated their negotiation, the necessity demanding their having been made, the methods used to procure their signing by the Indians, and finally the language adopted, conditions imposed, immunities guaranteed, the mutual obligations created. That liberality to the Indian, sympathy for and with the race, and an ardent Christian philanthropic wish to civilize him, animated Governor Stevens, must be evident from the policy underlying those documents, his addresses to the Indians explaining their provisions and pointing out their intended benefits, and the very treaties themselves. It is a cruel slander to insinuate that the negotiation of those treaties, or the insertion therein of any provision, was designed in the remotest degree to provoke a war for selfish purposes, or for the gratification of any scheme of personal ambition, or to give occasion for disaffection by the native population with whom they were made.

Previous pages will have satisfied the reader that the real causes for a war between the Whites and Indians in this region had their origin and were being fostered long prior to the organization of Washington Territory; that a race prejudice had been instilled, which had in some sections intensified into unmitigated jealous hate through an anomalous condition of affairs and surroundings, without a parallel in the history of colonization. Extraneous causes will abundantly account for the sequel to the well-meant, perhaps unwise, attempts to establish sudden and spasmodic goodwill and amity with tribes of Indians with whom no previous relations of friendship had ever existed; in the breasts of many of whom an ineradicable prejudice had been instilled; a large mass of whom were hopelessly ignorant, and so preferred to remain, of the language, customs and laws of that stranger race, who, malcontents taught them to believe, sought to circumscribe their territorial limits for roaming, hunting and fishing; who, for the first time, were to be brought within restrictions of laws imposed by a different race, of which they had never heard, and the necessity for, or spirit of which, they could not possibly appreciate.

Still, those treaties are a part of the lifework of the eminent war governor of Washington. His policy may have been unwise, may have been too liberal to unappreciative savages, who mistook kindness for fear, who sold goodwill as Judas betrayed the Saviour of mankind, to enable them immediately thereafter to accomplish their perfidious intent; but there is nothing in those treaties, nor in their surroundings, which does not reflect infinite credit on their distinguished author and his humane motive. Nor should it be averred that any attempt to have wronged the Indian appears because of his illiteracy, or to impose upon his judgment by misleading statements, or to drive an advantageous bargain for the government. Details, such as unfortunate selections of reservations, may be subjects of fair criticism; but the assertion cannot be successfully contradicted, that never, since the government adopted the policy of treating as its wards the aborigines of the country, has it been represented by one more thoroughly imbued with Christian love and parental, affectionate sympathy or broad humanity for that unfortunate race, than the negotiator and author of the treaties to extinguish the Indian title to lands in the territory of Washington.

Those treaties had provided for the extinguishment of Indian titles to all of Washington Territory except the soil watered by the Chehalis, Cowlitz and Lower Columbia rivers, as also the territory occupied by the Spokane nation and adjacent tribes and bands, and the extreme northeast portion of the territory drained by tributaries of the northern Columbia. With all those Indians not treated with, the understanding had been reached that, upon the return of Governor Stevens from the Blackfoot council at Fort Benton, councils would be convened to treat for the release of the Indian title to their respective territories at times to be fixed in the notice to be given. The breaking out of hostilities during the absence of Governor Stevens prevented the holding of those councils, and the conclusion of treaties with those bands and tribes at the times expected. Colonel Michael T. Simmons, the pioneer of Puget Sound (American) settlement had since March 9, 1854, been connected with the Indian department of the territory, acting as a special or sub-agent by appointment of the superintendent of Indian affairs (Governor Isaac I. Stevens), much of that time however acting as agent, and discharging all the duties pertaining to such office. He was appointed May 13, 1856, Indian agent for the territory of Washington.

There were three political conventions held this spring at Olympia, to nominate a candidate for delegate to Congress to be supported respectively by the Democratic, Whig

and Free Soil parties. The first-named met on the 7th of May. Joseph S. Smith of Island county was selected to preside. That convention consisted of forty-seven delegates. As the two-thirds' rule was adopted before proceeding to ballot, thirty-two votes were required to nominate. On the first ballot, Columbia Lancaster, the then delegate, received eighteen votes, Isaac I. Stevens thirteen votes, Isaac N. Ebey seven votes, J. Patton Anderson seven votes, and Henry R. Crosbie two votes. With slightly varying votes, Lancaster's strength not increasing, on the sixteenth ballot Stevens received his highest vote of sixteen. Upon the tenth ballot, Lancaster received fifteen votes, Stevens ten votes, Henry C. Mosely thirteen votes, J. Patton Anderson four votes, Isaac N. Ebey three votes, Edward Lander one vote, Charles H. Mason one vote. At the end of this ballot, Governor Stevens withdrew his name. The convention continued to ballot. On the twenty-ninth, J. Patton Anderson received thirty-eight votes, Isaac N. Ebey five, H. C. Mosely three, Stevens one. Colonel J. Patton Anderson (1) was then unanimously nominated. Upon the thirteenth ballot, Mosely received his highest vote of eighteen. On the seventeenth ballot, McFadden received twelve votes. Ebey's vote ran up to eighteen. Upon the twenty-fourth ballot, Edward Lander received his highest vote of twenty, the largest vote given to any candidate except the nominating vote of thirty-eight to Colonel Anderson.

The Whig convention met upon the 14th of May. Elwood Evans was made chairman. Forty delegates were in attendance. The names of Gilmore Hays, George Gibbs, William Strong, Alexander S. Abernethy, William H. Wallace, Hugh A. Goldsborough and Elwood Evans were presented to the convention. The contest for several ballots was close between Judge William Strong and Judge Gilmore Hays of Thurston county. The latter having received within a vote of nominating, and who would have received the nomination on the next ballot, withdrew. Several ballots followed, George Gibbs (2) of Pierce county receiving the largest vote. On the twenty-first ballot, William Strong received a majority of the votes, and was afterwards unamiously nominated. A small assemblage of Free Soilers presented the name of Joseph Cushman (3) of Olympia to the people of the territory as the Free Soil candidate.

Colonel Anderson and Judge Strong traveled together and canvassed the territory. Every precinct was visited, and the people addressed. Neither of them at any time forgot that they were gentlemen. J. Patton Anderson was elected, receiving 857 votes to 681 for William Strong (4). The Democrats carried the legislature. The new Council consisted of six Democrats and three Whigs; while the House of Representatives was composed of eighteen Democrats and twelve Whigs.

(1) James Patton Anderson was a native of Tennessee. He was born in 1821, and was a lawyer by profession. On the breaking out of the Mexican War, he was commissioned Lieutenant-Colonel of a Mississippi regiment of cavalry. On the establishment of the territorial government of Washington, he accepted the appointment of U. S. Marshal of the territory and removed to Olympia, where he also practiced his profession and attained a prominent standing at the bar. He was elected delegate to Congress in 1855, serving till March 4, 1857, but did not return to the territory. He was a state-rights Democrat of the ultra school. With his associations and sympathies of that caste of character which forces a man to defend his convictions and belief at every sacrifice, it was natural and expected that he should follow the fortunes of his native state. He warmly espoused the Confederate cause, and at the outset of the rebellion was commissioned a Brigadier-General. He was present at Shiloh and at the battle of Stone river. Shortly afterwards promoted Major General, he assumed command in the district of Florida. On February 17, 1864, he was transferred to the command of a division in Polk's corps, Army of the Tennessee. He came out of the war armless to live till 1873, in Memphis, and there to be sacrificed by that terrible scourge, the yellow fever.

(2) George Gibbs was eminent as a scientist, ethnologist and Indian linguist, and was born at Sunswick, now Astoria, Long Island, July 17, 1815. He died at New Haven, Connecticut, April 9, 1873. He received his education at Round Hill School, Northampton, Massachusetts, under George Bancroft, and graduated at Harvard Law School, class of 1838. He practiced law in New York city several years in partnership with Prescott Hall, and at the same time wrote "Memoirs of the Administrations of Washington and Adams," edited from the pages of his grandfather, Oliver Wolcott (signer Declaration of Independence, Secretary of the Treasury and Chief Justice of the Supreme Court of the United States). He accompanied the regiment of Mounted Rifles in their overland march to Oregon in 1848. His first civil service in Oregon was as deputy collector of customs at Astoria. He acted as geologist on the Western Division of the Northern Pacific Railroad expedition in 1853. In 1854, he was with Governor Stevens in the negotiations of the Indian treaties west of the Cascades, winter of 1854-55, and on clerical duty at Fort Steilacoom in 1855-56, during the Indian war. In 1859, he served as astronomer and ethnologist on the Northwest Boundary Commission. He returned to New York in 1860. In 1863, he was secretary of the commission to adjust the claims of the Hudson's Bay and Puget Sound Agricultural Companies, for possessory rights in Oregon and Washington, under the treaty of 1846. He never was idle, and in all those years was an active contributor to the publications of the Smithsonian Institute. Among the many works of George Gibbs may be named his chief productions: "Judicial Chronicle," Cambridge, 1834; "Instructions for Research relative to Ethnology and Philology of America," Washington, 1863; "Dictionary of Chinook Jargon;" "Comparative Vocabulary;" "Subjects relative to objects of scientific investigation in Russian America."

(3) Joseph Cushman was a prominent merchant of Olympia, and one of her most generous, enterprising and public-spirited citizens. He came to the Sound in 1853 to manage the business of the Kendall Company, whom he subsequently succeeded in business. For a number of years he held the office of probate judge of Thurston county. In the spring of 1854, he was admitted to the bar of the third judicial district by Chief Justice Lander. In 1861, he was appointed receiver of the Olympia district land-office.

(4) Such was the official vote as returned by counties; but, owing to the failure of the secretary to receive the returns in time, that officer certified the vote: Anderson, 804; Strong, 603.

The reported discovery of gold in the vicinity of Fort Colvile (the Hudson's Bay Company's post, situate on the east bank of the Columbia, south of Clark's Fork, latitude forty-eight degrees, thirty minutes north) had commenced to attract attention. Parties in considerable numbers, from all points on Puget Sound, from other portions of Washington Territory, from Oregon, and even from California, were journeying to the newly discovered gold fields. Colonel J. Patton Anderson, the delegate-elect, with the design of informing himself upon the resources of the territory before proceeding to Washington, accompanied quite a large party of prospectors; in fact, all the settlements contributed their quota to the band of gold hunters.

Never had there been more assured prospect for the future of the great Northwest, for Washington and Oregon. Till this time the settlers, especially of the former, had waited in vain for that promised "great immigration;" yet still it proved "the hope deferred." But now a "mining excitement" had been inaugurated. It would prove the inducement, the attraction. By those treaties just concluded, the friendship of the Indians was regarded as assured. Such was the hope, the genuine belief, of all. Nothing so well illustrates the reliance of the settlers in the friendly disposition of the Indians as the fact that the Whites traveled alone or in small bands unarmed through hitherto unfrequented territory, *en route* to the Colvile mines. They neither carried arms suitable for defense, nor were they in sufficiently large parties to secure self-protection; innocently they visited Indian camps to be surprised and immolated. On the 28th of August, 1855, Messrs. Wilbur and Bennett, two reliable Oregonians, who had visited the Colvile mines and returned to the settlements, published a card in which they represented, in language of the warmest confidence, that the Indians in the mining section and upon the route manifested a peaceable disposition, and that they professed an ardent desire for the Whites to settle in their country.

All these hopes were based upon a fanciful security. The people even in the settlements had been reposing on a slumbering volcano. At that period, indeed long prior thereto, even while attending the councils called by Governor Stevens, with professions of friendship and peace, the Indians had relinquished their territories, had acknowledged dependence upon the United States, and had agreed to live upon terms of friendship with its citizens. Embracing the opportunity afforded by so many being assembled, they had at that very time been conspiring and arranging for a combination for predatory war at the earliest moment, and had resolved on the murder of the white race. They were and had been assiduously collecting arms, ammunition, provisions and supplies, to be used in offensive war; and it was their determination to banish the Americans from the territory and prevent their settlement therein. At that juncture, they were to some extent unprepared to commence war. The plans were as yet immatured. But the advent of small parties of Whites to sections of territory hitherto untraversed by them hastened hostile acts on the part of the disaffected savages. That that immigration must be checked promptly was the Indian's determination. Besides, it gave color to the insidious assertions of the opponents of the treaties, who had made so much trouble at the councils, in their clamorous objection to the sale of their country. Those malcontents found the verification of their predictions that the Whites would get possession of their country, and they be confined upon the reservation, in the unexpected rush of miners across the territory *en route* to Colvile.

To beget Indian resistance, the rumors were circulated through the disaffected region, that the expedition of Major Haller, U. S. Army, sent out from Fort Dalles to Snake



J. W. BORST,

FALLS CITY, W. T.

river to chastise some Indians who had murdered immigrants, as well as to meet and escort the overland immigration of that year, had been cut off and Haller and his whole command murdered; that Governor Stevens and his party, on their journey to Fort Benton, had been cut to pieces by the tribes east of the Rocky Mountains; and that the Indian tribes in the interior, all the way south to the California boundary, were uniting in determined hostility to the Americans entering their country, and in a war of extermination of the settlements.

Colonel Anderson had returned to Olympia on the 19th of September, 1855, bringing with him (confirmation of) the sad intelligence of the murder in the Yakima country, and rumors, too reliable, of frequent massacres of small unarmed parties, and of individuals who had straggled from their companions. In consequence of these rumors, miners were discouraged from remaining in the mining country; and parties *en route* were returning, deterred from prosecuting their journey through fear of Indian hostilities. The fact appeared to be established that the Yakima nation had become hostile to the Whites entering or passing through their country, and were in a state of open war. It was also manifest that a combination of the tribes east of the mountains had already taken place; and all doubt was removed that Henry Mattice, Jamison, Walker, Eaton, Cummings, Huffman, Fanjoy and others had been murdered. The immolation and brutal cremation of Andrew J. Bolon, Indian sub-agent, by the direction of Kamiakin, head chief of the Yakima nation, displayed the perfection of Indian malignity, not alone the hostile attitude of the bands composing that nation of Indians, but carried with it the threat of extermination of the white race. That amiable gentleman had been apprised of the murder of eight white men by the Yakimas, and had officially visited the Yakima country, unarmed and unattended, to ascertain the truth, as also the circumstances, and if possible to adopt measures for the satisfaction of the Indians. He left The Dalles on the 18th of September for the Catholic Mission at Atahnam. General Joel Palmer, superintendent of Indian affairs of Oregon, on the 3d of October reported to the Indian Bureau: "He (sub-agent Bolon) was shot by the son of Sho-wah-way, and then, by the aid of three others, was seized and his throat cut. They then shot his horse, and made a fire over both and burned them up. Word was then conveyed to all the surrounding bands, informing them of what had been done, and requesting them to unite with them in hostility against the Whites; and that, if they declined such invitation, they would be treated as enemies and their children made slaves of" (1).

The receipt of the intelligence of the horrible murder of U. S. Indian Sub-Agent Bolon gave occasion for the fitting out of the expedition into the Yakima country to demand the delivery of the murderers, commanded by Major Haller, fourth infantry, the details of which will be found in a subsequent chapter specially treating of the Indian war.

About the middle of the month of November, 1856, a party of Northern Indians became exceedingly troublesome near Steilacoom. They became so annoying that Lieutenant-Colonel Casey, U. S. Army, in command at Fort Steilacoom, ordered them to leave, and return to their own country. He reported their predatory conduct to Captain Samuel Swartwout, U. S. Navy, in command of the U. S. steamship *Massachusetts*. On the eighteenth, Captain Lafayette Balch requested of Colonel Casey "that measures be taken to remove certain Northern Indians from the Sound." The Indians having ignored Colonel Casey's warning to leave the country, and that officer not having a steamer to assist in the enforcement of orders given to those Indians, Captain Balch's letter was

(1) Hon. L. F. Mosher writes the history of Southern Oregon, and therefore matters relating thereto are left for his treatment. See preface to this work.

inclosed to Captain Swartwout, with the request of Colonel Casey "that he take the matter in hand, and adopt such steps as were best calculated to advance the interests of all concerned." On receipt of the request of Colonel Casey, Captain Swartwout on the next morning, with his vessel, proceeded to Steilacoom reservation and Swan's logging camp on Henderson's Bay, at which place the Northern Indians had but recently committed depredations. At the reservation, they had had a fight with the Sound Indians; and two of their number had been killed, and one canoe captured. The Northern Indians had left Henderson's Bay on the eighteenth, reaching Port Madison that evening and renewing their depredations there, thence going down the Sound. The *Massachusetts* followed, and, on arriving at Port Gamble on the twentieth, found the Northern Indians encamped there in large force. As soon as the *Massachusetts* anchored, Captain Swartwout dispatched ashore eighteen armed men, including the interpreter, commanded by Lieutenant Young, with orders to have a friendly talk with them, and persuade them to leave the Sound for Victoria, Vancouver Island, peaceably, in tow of the vessel, and to invite two or three of the chiefs to come on board and confer with Captain Swartwout, who also promised that all their previous depredations should be overlooked. The Indians approached the boats in large parties, armed, and threatened to shoot any one who attempted to land, shaking their fists at the men in the boats, and defying them to come ashore and fight. In pursuance of Captain Swartwout's orders not to come in collision, Lieutenant Young and the boats returned.

A large expedition was immediately fitted out, consisting of the "launch," with a howitzer, and two cutters, with forty-five men and an interpreter secured from Port Gamble (the party being under command of Lieutenant Young), with the same orders, to communicate with those Indians by sending in advance the interpreter with a flag of truce. The same requests were made, the same conditions proposed. The orders were to return to the ship without landing if the Indians refused. The interpreter, as directed, informed the Indians of the force present, and that, if they left peaceably, all past misdeeds would be forgiven. The Indians were still defiant and intractable. They refused to leave till they were ready; and in no event would they accompany the ship. To Lieutenant Young their conduct was extremely insulting and defiant. That party also returned to the ship, as ordered, without attempting to make a compulsory landing. By this time daylight had gone.

During the night the ship was moved as close as possible to the Indian camp, and abreast of it, with her broadside to bear upon it, by springs upon the cable. At seven o'clock in the morning, Lieutenant Semmes in the first cutter was sent to the steamer *Traveler*, which little steamer, and the "launch" commanded by Lieutenant Forrest, both having field-pieces on board, had been anchored the night before above the Indian camp, in such a position that their guns had a raking fire upon it, with orders to communicate through a flag of truce with the Indians, and renew the demands made the day previous. They were also duly advised of the preparations for attack if they still resisted. Lieutenant Semmes, after some twenty minutes of unsuccessful parley, with a force of twenty-nine sailors and marines, accompanied by Lieutenant Forrest and Mr. Fendall, the captain's clerk, made a landing in a heavy sea, the wind blowing fresh, wading up to their waists and carrying the boat howitzer in their arms. The party having been formed on the beach, Lieutenant Semmes approached alone to where the interpreter was delivering the message of Captain Swartwout. The manner of those present was defiant. The Indians commenced arming themselves, and carrying their goods into the woods. Not

until the Indians had taken positions behind logs and trees was the order given to fire the field-piece on the *Traveler;* and, simultaneously with that, the Indians fired a volley. The battery of the ship was then directed towards that part of the woods to which they had escaped, and where they appeared to be concealed; and a discharge of round shot and grape did great execution. Under cover of the ship's guns, a charge was made upon the Indians; and they were driven from their camp into the woods. Their camp was set on fire, their property destroyed, and their canoes, which had been hauled up to their camp, all disabled except one. Lieutenant Semmes held possession of the camp from about 7:20 A. M. till 10:00 A. M., when the party returned to the ship. During the whole day, the fire continued from the *Massachusetts* whenever any of them were seen in the woods. In the afternoon, the weather having moderated, in order to prevent the Indians escaping through the night, a party of thirty-seven sailors and marines went ashore and destroyed the good canoe, and made sure that all the rest were unseaworthy. During this act, the party were subjected to a constant fire from the Indians, under cover of the woods; but the duty was accomplished without the loss of a single man. During the afternoon, a squaw who had been taken prisoner was sent by Captain Swartwout with a message to the Indians demanding their surrender, and that they go with him to Victoria, and from there proceed to their homes, and never again return to the Sound; and that he would forgive them. To this they returned answer, that they "would fight as long as there was a man of them alive." On the morning of the twenty-second, however, two of the principal chiefs visited the ship, surrendered unconditionally, and begged for mercy.

When the fight commenced they had, exclusive of squaws and boys, one hundred and seventeen men. There had been twenty-seven killed and twenty-one wounded, one of the latter being a chief. They had been without food for forty-eight hours, and were entirely destitute. The number taken on board of the ship and carried to Victoria was eighty-seven. They were furnished with provisions, and faithfully promised they would go to their northern homes, and never return to these waters. The loss of the *Massachusetts*' crew was one killed and one wounded (1).

Shortly after this chastisement, so thoroughly deserved and so well administered, that vessel left these waters, and, as the sequel shortly after proved (2), left the remote settlements more than ever liable to the attacks and raids of those perfidious and unrelenting savages, and the isolated settlers more than ever liable to be sacrificed, to atone for this official act of the United States government. Those Indians went away promising good faith to Captain Swartwout. With Indians, treaties or pledges of faith are merely cloaks to conceal their bad intent; but these Indians had not left the Sound before threatening revenge, and boasting that they would have a "tyee" American (a prominent man) for every one they had lost in that engagement.

The third session of the legislature (1855–56) convened at Olympia on the first Monday in December. Governor Stevens not having returned from the Blackfoot council at Fort Benton, Governor Mason delivered the message usual upon the assembling of that body. That able and interesting document is a faithful and patriotic exhibit of the condition of the territory, as also of its needs. It is proper to record the *status* of the people of the territory and the officials towards the Indians, as officially chronicled: "Since you were last assembled, an important, and, I regret to say, disastrous change has taken place in our social prospects. While peace and security seemed to reign about us,

(1) Official report of Captain S. Swartwout, U. S. Navy, in a letter to Lieutenant Colonel Casey, November [illegible] and [illegible].
(2) The cold-blooded murder and beheading of Isaac N. Ebey at his home on Whidby's Island, August [illegible].

and every person was, as usual, pursuing his customary avocation, an Indian war breaks out in our midst, spreading alarm throughout the whole territory. Families are murdered, property is destroyed, claims are abandoned for the fort and blockhouse, and the whole country, instead of portraying the usual peaceful occupations of American citizens, has the appearance of desertion; and nothing but parties of armed men are to be seen in motion. How long this state of affairs is to continue, it is impossible to say; but from the energy which our citizens have shown, and the measures which have been adopted, it is earnestly to be hoped that the end is not far off."

The high personal character of Governor Mason entitles any official statement made by him to the greatest consideration. He had taken occasion to allude to the absence of Governor Stevens, and briefly to allude to the duties imposed upon that officer,—to treat with the Indians of the territory for the extinguishment of their title to lands, responsive alike to the urgent demands of the citizens of the territory and the orders of the national government. He referred in fitting terms to those well-performed duties by his friend as assuring confidence to the people in the future of the territory; and with what satisfaction they had hailed the promises by the Indians of friendship and amity with their white neighbors; and with what reliance and confidence they accepted those promises as an assurance of the maintenance of peace between the settlers and their Indian neighbors. He continued:

"In the midst of this favorable appearance of things, while the ink was scarcely dry with which the treaties had been written, Indians, who had entered into these stipulations and solemnly pledged their faith to preserve amity and peace toward all American citizens, have risen in arms, treacherously surprised and barbarously murdered our unoffending citizens, killed an Indian agent while in the performance of his official duties, and, in defiance of all plighted faith and written obligation, waged a war, accompanied with all the horrid brutalities incident to savage life. The space alloted to this message will not justify a recital of the preliminary aggressions. Satisfactory evidence, however, has been afforded, indicating that both in Oregon and this territory, for a great length of time, preparations for war have been going on on the part of the Indians. Simultaneously with the murders committed in the Yakima valley, Southern Oregon became the scene of Indian warfare; and, the moment troops move from Puget Sound across the mountains, an outbreak takes place on the White river prairies. On the 23d of September, in addition to previous floating rumors, positive information was received that two of our citizens had been murdered in the Yakima valley while traveling on the military road across the Nachess pass."

This was followed by a recurrence to the poverty of the territory in arms and ammunition, as also the utter inability of the United States military posts to supply either, and the entire insufficiency of men and means to provide for the defense of the settlements. In this exigency, Governor Mason had been compelled to appeal to a foreign government for that aid which our own government had neglected to furnish. It was humiliating to him, and to the settlers of his territory, that he was compelled thus to acknowledge a helplessness which established neglect by those who ought to have acted,—to ask of a foreign official for arms and ammunition to defend American homes and firesides. But Sir James Douglas, Governor of the colony of Vancouver Island, proved the friend in need. Promptly and generously he embraced the opportunity to assist his fellow-beings in their emergency, and also to impart the useful lesson to savagery that, in a war against the white race, they need not expect any sympathy whatever from that



HENRY BUXTON
FOREST GROVE OR.

great statesman and the company over the affairs of which he presided. They were unmistakably apprised that he had no sympathy with Indian rapine and murder.

Governor Mason thus acknowledged that invaluable service: "I deem it my duty here to make public acknowledgment of the services rendered by his excellency, James Douglas, governor of Vancouver Island. Upon the alarm naturally attendant upon a serious Indian outbreak, almost within arms' length of us, and owing to the scarcity of arms and ammunition, application was made to him for such an amount of the munitions of war as he could possibly furnish. That application was promptly and cordially responded to to the extent of his power, he at the same time regretting that he had at the moment no vessel-of-war at his disposal, and that his steamers, the *Otter* and *Beaver*, were both absent, but that, upon the arrival of either, she should be dispatched to the Sound, to render such services as might be required of her. Since then the *Otter* has visited this place. This movement on the part of the executive of Vancouver Island cannot fail to have its influence upon the Indians residing upon our waters, having a tendency to show to them that, whatever differences may exist between the Americans and Englishmen in their social and political organizations, as far as savages are concerned, they are but one."

The legislature promptly joined with Governor Mason in expressing, on behalf of the people of the territory, "grateful acknowledgment of the services rendered by his excellency, Sir James Douglas, Governor of Vancouver Island, in furnishing arms and ammunition to the executive of this territory in the present Indian war."

In this connection, it becomes proper to notice also the language of this message in regard to the generous conduct of Commander Isaac S. Sterrett, U. S. Navy, in command of the sloop-of-war *Decatur*, and of Captain William C. Pease, commanding the revenue cutter *Jefferson Davis*, in response to a requisition for arms and ammunition to arm the territorial volunteers. "By their assistance was the first company of Washington Territory volunteers armed and equipped, in time to take the field the moment their organization was completed. Captain Sterrett had but few arms and but little ammunition which he could spare from his vessel; but he bought upon his private account all the arms and ammunition to be obtained in the stores at Seattle." These acts, so eminently patriotic, were properly acknowledged in the proceedings of that legislature.

Governor Mason then adverted to the policy adopted, and its effects: "The Indians west of the Cascades, with the exception of those before alluded to, still continue friendly. They have been collected at various points, disarmed and placed under the surveillance of local agents; and arrangements have been made for their support. The only fear at present entertained is that, by some act of indiscretion, they may be frightened into the hostile ranks. The disposition which has been subsequently made of the troops in the field in this portion of the territory has been with the design, while at the same time to keep the hostile Indians in check, that an adequate force should be moving on the outskirts of the settlements, in order that the farmers might be enabled to provide for the coming year's subsistence."

Allusion is made to the stagnation of trade and industrial pursuits arising out of the continuance of the Indian war, loudly calling for prompt and speedy action on the part of the national government, deprecating the effect of an adjournment of Congress without affording relief, and describing the emergency as one which, should it continue, would retard territorial growth and advancement. These considerations demand an urgent memorial calling for a sufficient appropriation to compensate the citizen soldiery

for their valuable and patriotic services, and to reimburse the citizens for advances made and supplies furnished, and for property destroyed by the hostile Indians.

As a motive for a memorial to the Navy Department for an armed steam vessel to be stationed on Puget Sound, he cites in appropriate language the fact that Northern Indians of fierce and warlike character are in the habit of descending into a settlement, ostensibly to procure employment, but that their raids are invariably attended by thefts and depredations in the remote settlements. If punishment is attempted, it results in isolated settlers being murdered by the Indians in revenge. The governor recommended that the legislature make it a penal offense to harbor or employ such Northern Indians. He also wisely suggested that further sales of arms and ammunition should be prevented by stringent legislative enactments.

Those suggestions of the governor were acted upon by the Assembly. The message devoted considerable length to informing the Legislative Assembly of matters of public interest, and of congressional aid: "During the past summer, rumors of discoveries of gold fields near Fort Colvile induced many enterprising and energetic citizens of the territory to visit that region. Many have returned on account of the war, and the impossibility of obtaining provisions there during the winter. Although the extent of the gold-bearing district is not known, yet the fact is certain, that those who worked the bars and prospected the country near Fort Colvile found gold in sufficient quantities to pay well for working. Wherever the more experienced miners dug, either upon the bars or upon the hillsides, gold was found; and even with the rude mode of working with pans, an average of ten dollars per day has been made; and those who are still at the mines report profitable employment. I have no doubt that, with improved machinery and better preparations for working to advantage, these gold mines will prove amply remunerative to many citizens who may go there, whenever the state of the country will permit communication between the Columbia river and Puget Sound settlements and the gold-bearing region. The prosecution of the public surveys during the past year has developed large bodies of fertile lands, and made a great addition to the topographical knowledge of the territory, which will be useful to emigrants in search of the best lands. As to the amount of work thus far accomplished, the office of the surveyor-general shows the following results: Total amount surveyed while this territory was under the Oregon office, 1,876 miles; amount surveyed and under contract since the organization of the Washington office, 3,063 miles; proposed to be surveyed in 1856 and 1857, as per annual report of the surveyor-general, 5,688 miles, all lying west of the Cascade Mountains."

Congress had made liberal appropriations for public surveys; but the surveyor-general had failed to obtain surveyors willing to accept large contracts, even at the maximum rates per mile allowed by law, because of the difficult nature of the country, and the high prices of labor and provisions. The pending Indian war had suspended all field work; but Congress should have, in the interim, authorized an increased sum per mile for the surveys. The legislature were invited to and did, by an appropriate memorial, second the urgent request to that effect by Surveyor-General Tilton.

Appropriations had been authorized by Congress for military roads from Fort Barton in Nebraska to Walla Walla, and from The Dalles to Columbia barracks at Fort Vancouver, and one from Columbia barracks to Fort Steilacoom. On the two latter, a reconnaissance had been made during the fall; and the building would be commenced during the coming spring.

Under the act of Congress making appropriations for the army ending June 30, 1856, the Secretary of War was authorized to equalize the number of arms heretofore distributed and in possession of the several states, so that each state which had not received its *pro rata* should receive a sufficient number to make an equal *pro rata*, according to the number of representatives in Congress. Under this act, the share belonging to Washington Territory was 2,000 muskets. The effort to draw the quota in rifles failed. The annual quota of arms is 137 muskets, giving a total of 2,137 muskets. On account of this, 1,980 muskets, one hundred rifles and accoutrements and thirty cavalry sabres (to which 208,000 caps had been added), by some singular fatality had been shipped to Fort Vancouver. In the condition of roads, it was impracticable to transport them to Puget Sound; but efforts had been made to effect a shipment by sea from Vancouver to Olympia of such portion suitable for the Puget Sound section of country.

The matter of postal arrangements and increased mail facilities was also properly noticed, and legislative action invited. Since the adjournment of the last session of the Assembly, the site for the capitol building had been cleared, and the contract entered into for its erection; but, when the building had neared completion, the work was suspended in consequence of the breaking out of the Indian war. The mechanics employed had enlisted, and it was impossible to supply their places. Again was the attention of the Legislative Assembly called to the adjustment of the northern and northwest boundary, and to the extinguishment of the rights of the Hudson's Bay and Puget Sound Agricultural Companies.

Among the legislation of this winter not already adverted to should be noted the repeal of all laws heretofore in force by virtue of any legislation of the territory of Oregon, except that county seats and county lines established by law were not affected, nor were any proceedings commenced under such laws invalidated. The common law in all civil cases was declared to be in force when not modified by statute. A number of divorce laws were passed, several acts of incorporation, and a few unimportant amendatory acts.

The legislature passed a joint resolution instructing the delegate to request of the Secretary of War an investigation into the fact of Major Rains withdrawing troops from the Yakima country in November, 1855, and ordering them into winter quarters, and for disbanding the company of Washington volunteers, raised on the Columbia river, and mustered into the United States' service with the express understanding that they should be sent to the relief of Governor Stevens, at the time returning through the hostile Indian territory from the Blackfoot council. They also protested against the separation of the offices of governor and superintendent of Indian affairs, as recommended by the commissioner of Indian affairs. The number of memorials and joint resolutions was quite large. The subjects were roads, lighthouses, the establishment of ports of delivery, a hospital for the insane, a marine hospital, an additional land district, tendering thanks to Governor George L. Curry of Oregon, and the Oregon volunteers, and the regulars and volunteers, rank and file, on service in the Indian war, and a tribute to the gallant Lieutenant William A. Slaughter, Fourth Infantry, U. S. Army, killed by a band of hostile Indians December 4, 1855.

On Saturday, January 19, 1856, Governor Stevens arrived at Olympia on his return from the Blackfoot council. On the twenty-first, he was waited upon by a joint committee of the two houses, and invited to meet them in joint convention. On that afternoon, he delivered an address upon the situation, the existing war and its causes, and the future purposes of his administration:

"We are, fellow citizens, and have been for the past three months, engaged in an Indian war. Our settlers, from the Cowlitz river to the Sound, have been obliged to abandon their claims, to live in forts. It is true that almost all the Indians are friendly,—that the number of Indians hostile does not exceed the number of one hundred and fifty or two hundred; but from the peculiarity of the country, if this force is not soon crushed, it will prove a source of serious annoyance upon this side of the Cascade Mountains, and upon the other. Several tribes have violated their plighted faith, and broken out into open hostilities.

"We are now in the midst of a war. What has brought it about?—and what is the remedy? Gentlemen of the Legislative Assembly, it is due to you that I should enter dispassionately and fully into the policy which has marked the government in the making of treaties with the Indians of this territory. It is important that the honor and dignity of that government should be sustained,—that its course should be characterized by humanity and justice. Those who have done their duty, and maintained the dignity and honor of their country, should not be struck down. Let the blow be struck in the right quarter. If dignity and honor have been maintained, then has no citizen anything to blush for; and it is a bright page in the history of the country, and dear to every citizen.

"When this territory was organized, there was a population of about four thousand souls, widely scattered. No treaties had been made with the Indians occupying the lands of this territory, nor was there, practically, an intercourse law. Congress had by law extended the provisions of the Indian intercourse act, so far as applicable, over this territory and Oregon. Congress had also passed a Donation law, inviting settlers to locate claims, first west and then east of the Cascade Mountains; and public surveys had been ordered to be made over this domain. But the Indian title had not been extinguished. This was a bitter cause of complaint on the part of the Indians. The Yakimas, Cayuses and Walla Wallas were anxious to make treaties, selling their lands to the government, and securing to themselves reservations for their permanent homes; and they asserted that, until such treaties were made, no settlers should come among them. These were the reasons of public policy which induced the government to enter into these treaties; and no time was lost in consummating them. The people of this territory urged upon Congress the necessity of such a policy; and Congress made an appropriation to carry out their wishes. It fell to my lot to be appointed commissioner to negotiate those treaties. I entered upon those labors in December, a year ago, and during that and the following month successfully treated with all the Indians upon the Sound, the straits, and the Indians at Cape Flattery.

"In January, a year ago, I dispatched Jas. Doty, Esq., east of the Cascade Mountains to ascertain the feelings and views of the Indians. He visited the Yakimas, the Cayuses, the Walla Wallas and the Nez Perces in their own country; and they were desirous to treat and sell their lands. Kamiakin advised the tribes to meet in council at Walla Walla, saying that was their old council ground. The council was convened, and lasted fourteen days. All these tribes were present. The greatest care was taken to explain the treaties, and the objects of them, and to secure the most faithful interpreters. Three interpreters were provided for each language, one to act as principal interpreter, the other two to correct. At the close of that council, such expressions of joy and thankfulness I have never seen exhibited to a greater degree among the Indians. Kamiakin, Peu-peu-mox-mox, young Sticcas and Lawyer, all personally expressed their joy and satisfaction. Kamiakin asserted that, personally, he was indifferent about the treaty; but, as his people all wanted



HON. D. B. HANNAH,
TACOMA, W. T.
A PIONEER OF 1845.



HILORY BUTLER,
SEATTLE, W. T



HENRY VAN ASSELT,
SEATTLE, W. T.



C. G. SAYLOR,
Mc MINNVILLE, OR.



HON. P. G. STEWART,
GERVAIS, OR.

it, he was for it, and that was the reason he assented to the treaty. The record of that council was made up by intelligent and dispassionate men; and the speeches of all there made are recorded verbatim. The dignity, humanity and justice of the national government are there signally exhibited; and none of the actors therein need fear the criticism of an intelligent community, nor the supervision of intelligent superiors. By those treaties, had the Indians been faithful to them, the question as to whether the Indian tribes of this territory can become civilized and christianized beings would have been determined practically, and as to whether the intervention of an Indian service, for the supervision of the Indians, might not become unnecessary, in consequence of the Indians being able to govern themselves. This spirit lies at the basis of all the treaties made in this territory.

"Another council followed, in which three considerable tribes were convened, which lasted eight days,—the Indians at the close again expressing the utmost joy and satisfaction. It is due to you, gentlemen of the Legislative Assembly, to make this frank and full statement. The printed record will show that the authorities and the people of this territory have nothing to blush for, nothing to fear in the judgment of impartial men now living, nor the rebuke of posterity.

"As to the causes of this war, it is not a question necessary to dwell upon. It has been conclusively demonstrated, that it has been plotting for at least two or three years. I am frank to admit that had I known, when the council at Walla Walla was convened, what I had learned afterwards, I should not have convened that council. I learned from one of the fathers, some days after it had commenced, and I was satisfied that his information was correct from the deportment of several of the principal chiefs, that many of the Indians came to that council with hostile feelings. But, when I left Walla Walla, I thought that by the treaty such feelings were entirely assuaged,—that those who were once for war were now for peace.

"It is difficult to see how such a combination should have existed, and not have been known; and yet it extended from the Sound to the Umpqua,—from one side to the other of the Cascade Mountains.

"Fellow citizens, war has existed for three months, and still exists,—a war entered into by these Indians without a cause,—a war having its origin not in those treaties, nor in the bad conduct of our people. It originated in the native intelligence of restless Indians, who, foreseeing destiny against them, that the white man was moving upon them, determined that it must be met and resisted by arms. I regret on this occasion to be compelled to criticise the official acts of a gallant and war-worn veteran, one whose name has been on the historic rolls of the country for nearly half a century. But it is due to the people, and the authorities of the territory of Washington, that the facts should appear and be known to the national government. Governor Mason, in obedience to the commanding officer of the United States forces upon the Columbia river, raised two companies of volunteers of excellent material. They were well mounted, and ready for the field. Another company was raised to protect the commissioner appointed by the President of the United States to make treaties with the Indian tribes in the interior of the continent. Those troops were disbanded,—were brought down into garrison. The regulars were kept in garrison. And there stands out the broad fact that seven hundred Indians in the Walla Walla valley were met and defeated by volunteers when the regulars were in garrison. The President's commissioner, a high functionary, deriving his powers from the President of the United States, and not from any department, was left without

protection; and the troops raised to protect him Major-General Wool thought proper to disband and bring into garrison. That officer acted, unquestionably, from a sense of duty. His reputation as a gallant soldier, his long and valuable services to the country, cannot be disputed. I do not wish to impugn his motives. I only desire to submit facts for the judgment of superiors at home.

"I learn from good authority that his plan of operations is to delay till spring, probably until May. It is well known, by those who have experience and knowledge of the country, that February and March are the best months for the prosecution of this war. I think it due to the Legislative Assembly to state the reasons why all voyageurs, and gentlemen of experience in these matters, give it as their opinion that now is the proper time for action. There is a vast plain between the Cascade and Bitter Root Mountains. The Columbia, Snake, Clear Water and Spokane rivers are to be crossed. The snow is but a few inches deep, and lasts but a short time, seldom over a fortnight. There is but one continuous period of cold weather; and that period has now passed. The mountain passes are all closed up with snow, which can only be scaled by snowshoes. For these reasons the Indians cannot escape, should vigorous operations be made. On these plains our forces can operate well. There is abundance of fuel for camps, grass for animals, and the rivers are low. The Indians must be struck now. But if we delay, in a few months the roots and fish will abound, supplying the Indians with food. The snows will melt, and the mountain passes will allow them hiding places. It is my opinion, if operations are deferred till summer, they must be deferred till winter again.

"What effect would it have on the Sound, should nothing be done until May or June? The whole industrial community would be ruined, the Sound paralyzed. The husbandman would be kept in a state of suspense by rumors of war, and could not adhere to his pursuits; fields would not be tilled, and the territory would starve out.

"I am of the opinion that vigorous operations should be prosecuted on both sides of the Cascade Mountains. Whenever it is practicable or expedient, it is best that volunteers should be mustered into the United States service. It should go to the authorities at home, that we endeavored to co-operate with the regular service. But there has been a breach of faith. Troops mustered into service were disbanded, in violation of a positive understanding; and it is now proper that the authorities of this territory should conduct the movements of their own troops, co-operating with the regulars where such co-operations can be effective. I therefore do not think the volunteers of this territory should be mustered into the United States service. I am ready to take the responsibility of raising them, independent of that service; and it is due to the territory, and to myself, that the reasons for assuming it should go to the President and the department at Washington. The spirit of prosecuting this war should be to accomplish a lasting peace, not to make treaties, but to punish their violation.

"Gentlemen of the Legislative Assembly, I have done my duty. It was a pleasant feeling that actuated me on my mission, in making those treaties, to think I was doing something to civilize and render the condition of the Indian happier; and, while justice and mercy should characterize the acts of our government, there should be no weakness, no imbecility. In nations, as well as individuals, we may apply the precept, a man who has deceived you once should not again be trusted. Let the blow strike where it is deserved. I am opposed to any treaties. I shall oppose any treaties with these hostile bands. I will protest against any and all treaties made with them. Nothing but death is a meet punishment for their perfidy. Their lives only should pay forfeit. A friendly Nez

Perce informed me that, in the Cayuse tribe, nineteen ill-disposed persons caused all the trouble. Could these be punished, the tribe could be governed. These turbulent persons should be seized and put to death. The tribes now at war must submit unconditionally to the justice, mercy and leniency of our government. The guilty ones should suffer, and the remainder be placed upon reservations under the eye of the military. In a few years, the policy might be changed. By such a decisive, energetic and firm course, the difficulty may be grappled with, and peace restored.

"Let our hearts not be discouraged. I have an abiding confidence in the future destiny of our territory. Gloom must give way to sunlight. Let us never lose sight of the resources, capacities and natural advantages of the territory of Washington. We have an interior soon to be filled up with settlements. Gold, in considerable quantities, has been discovered in the northern part of the interior. There are fine grazing tracts, and rich agricultural valleys; and that interior *will fill up* when these Indian difficulties are at an end. Then, too, will the Sound resume its prosperity. Gather heart, then, fellow citizens. Do not now talk of leaving us in our hour of adversity, but stay till the shade of gloom is lifted, and await the destiny to be fulfilled. Let us put our hands together, and rescue the territory from its present difficulties, so that we all may feel that we have done our whole duty in the present exigency."

These copious extracts demonstrate the animus of the territorial authorities of Washington as expressed by the man who was long fiercely maligned for his agency in making those treaties. For executing the war policy here foreshadowed, he was denounced as a raider upon the national treasury, a conspirator with Governor George L. Curry of Oregon, who as steadily pursued the same policy in the campaign by him inaugurated to protect the settlements of Washington Territory, called upon as he was to extend to the United States military authorities assistance in protecting the frontier, which they were powerless to do through the negligence of the general government and the commander of the Department of the Pacific.

In the spring and summer of 1856, notably, and to a great extent during the entire year, owing to the existence of the Indian war, there was a general stagnation of business and industrial pursuits. Settlers had been banished from their farms, and had taken refuge in the blockhouses that were erected at short distances from each other throughout the settled portion of the territory, or had been driven to the towns. Travel, except with escort, was dangerous. Small tracts of land were cultivated, guards being stationed to protect those at labor. The pending war was a setback, from the evil effects of which the territory could not hope to recover for years.

Personal issues as to the conduct of the war, as to the policy of treating with the Indians, distinguished the politics of that period. Governor Stevens had infused his great personality, not only into the territorial administration, into his management of Indian affairs as superintendent, into the conduct of the war in its every detail, but into partisan politics; so much so that party lines were about obliterated, and partisan division hinged upon opposition to or support of the governor's policy, war, Indian or personal. For the time, the darling names of "Whig" and "Democrat" had become measurably meaningless, and had lost their rallying power. Parties were called "Stevens" and "Anti-Stevens;" and such were the issues upon which the election in the summer of 1856 was contested. The declaration of martial law by the governor in Pierce and Thurston counties in April and May had furnished the opposition with a rallying cry. It had tended also to array many Democrats in open opposition to the

governor. That measure, and the acts consummated during its continuance, had contributed greatly to detach from a personal support the many Whigs in the territorial volunteer service who were identified with the war, were at least passively a part of the Stevens *régime*, and who had during the fall of 1855 and spring of 1856, regardless of party feeling, cordially supported both Governor Mason and Governor Stevens, in every measure adopted or proposed, to place the territory in a proper state of defense. Those acts of Governor Stevens strengthened the opposition of the indifferent or lukewarm, and alienated many Democrats. In fact, a number of the most prominent members of that political party had become his most strenuous opponents. There were several causes tending to produce such a condition of affairs. The Whig party of the territory at this time, upon the personal issue, had lost a considerable number of its adherents. Many believed that the welfare of the territory depended upon supporting the territorial administration in its war policy; that abandoning Governor Stevens or his policy was measurably condemnatory of his course, and so far an indorsement of the malignant libels of him and the people of the territory; and that sustaining him was the proper loyal course to be pursued to secure a recognition of his services, his policy, and of the large debt created to carry on the war, the nonpayment of which would bankrupt so many citizens who had so generously contributed their services and means.

The Whigs who adhered to their party organization, and the Anti-Stevens Democrats, acted in unison. This temporary combination derived additional strength during the Know-Nothing excitement; and the opposition thus composed, in the election (July, 1856) obtained an "Anti-Stevens" majority in each branch of the legislature. Late in the fall, the campaign of the Washington Territory volunteers had ended by the disbandment of the Second Regiment on the 30th of October, 1856.

The Legislative Assembly convened December 1st. The Council organized by the election of William H. Wallace (1) President, and Elwood Evans Chief Clerk, both Whigs. The House of Representatives elected Joseph S. Smith Speaker, and Reuben L. Doyle, both Anti-Stevens Democrats.

The governor's message was an able defense of himself from the charges of his opponents, and a clear, conservative and dispassionate explanation of his war policy, the measures adopted, and his motives. In succeeding pages, treating the Indian war as a specialty, those acts will be detailed, and his reasons appear; and upon them the wisdom or necessity of his policy must depend. Fearlessly, and with that self-reliance so conspicuous an element of his character, he concluded that last message:

"In this, my last annual address to the Legislative Assembly, I am especially reminded of the duty which devolves upon me of acknowledging the courtesy and kindness which has ever been extended to me by the several Legislative Assemblies of the territory, and by the constituency which elected them. I have endeavored faithfully to do my whole duty, and have nothing to reproach myself with as regards intention. I

(1) Colonel William H. Wallace, a native of Ohio and a lawyer by profession, came to Steilacoom, Washington Territory, from the State of Iowa in the fall of 1853. He at once commenced to practice, and was soon recognized as the leading jury lawyer of the territory. At the first election, January, 1854, he was the Whig nominee for delegate to Congress, but was defeated by his Democratic competitor, Hon. Columbia Lancaster. Although his county was strongly Democratic, he was elected to the territorial House of Representatives, sessions 1854-55 and 1855-56. He resigned his seat in the last, having been elected, on the breaking out of the Indian war, captain of Company D, First Regiment, Washington Territory Volunteers; and with his company he made a winter campaign against the hostile Indians, who were infesting the White river country. At the election of 1856, he was elected a member of the territorial council, and at the session of 1856-57 was the president of that body. At the election of 1857, he ran as an independent candidate for delegate to Congress against Isaac I. Stevens, the Democratic nominee. Colonel Wallace received the votes of the Republicans and Anti-Nebraska Democrats, but was defeated. In 1861, President Lincoln appointed him governor of the territory. During his absence, he received the Republican nomination for the delegateship. His competitors were Selucius Garfielde, Democratic nominee, and ex-Chief Justice Lander, Independent Democrat. Colonel Wallace was elected by a handsome plurality. Before his term had expired, the territory of Idaho had been set off from Washington; and he was commissioned first governor of that territory. Upon his arriving in the territory, at its first election he was nominated by the Republicans and elected first delegate to Congress from that territory. His term expiring, he returned to his Pierce-county home and resumed his law practice. He was an eloquent speaker, of fine address and presence, full of humor and anecdote; and his suavity made him a successful stump speaker and advocate. Having outlived all enmities, and to an eminent degree gained the affectionate regard of his fellow citizens, on the 7th of February, 1879, he quietly passed away.



HON. ELISHA PING,
DAYTON, W.T.

could have wished some things had been done more wisely, and that my whole course had been guided by my present experience. I claim at your hands simply the merit of patient and long labor, and of having been animated with the fixed determination of suffering and enduring all things in your behalf. Whether in the wilderness contending with the hostile elements, managing and controlling the more hostile aborigines, or exploring the country, or at the capitol struggling with disaffection, the subject of obloquy and abuse, I have no end but my duty, no reward in view but my country's good. It is for you to judge how I have done my part, and for the Almighty Ruler to allot to each man his desert.

"I close this address with the expression of the confident hope that your session will be harmonious, and will result in the advancement of the best interests of our territory and common country."

In the body of the message, he had reported to the legislature the circumstances connected with the declaration of martial law, and had closed the reference in this manly language: "When the time had come for all members of the community to resort to arms, when the officers of justice are in the field in command of troops, it would seem to be the dictate of patriotism, and to be an obligation of duty, to avoid a collision with the authority intrusted to the general defense. Least of all would it be expected that the field should be abandoned not only without orders, but without notice, to enter upon a course the inevitable result of which was to bring about a collision, and engender strife and ill feeling amidst a population already too small, when united, to defend itself from the common enemy and leave hands enough at home to procure food for the coming year.

"I impute no want of patriotism, no inconsiderateness of action, to those who have differed from me. I concede to all the highest motives of action which may be claimed. I speak of stubborn facts, and of the inferences to be drawn therefrom, and of the practical tendency and effect of the action of those who sought to strike down the executive, when laboriously and honestly exerting his whole force to bring back peace and prosperity to a suffering people. I now leave this matter of martial law in your hands, fellow citizens of the Legislative Assembly; and I invite your most rigid scrutiny into the necessity of proclaiming it, and the measures taken to enforce it."

That legislature did investigate patiently. The discussion was long and protracted. William Strong, who had been the Whig nominee for delegate to Congress in 1855, championed the governor and his policy in the House. In that disintegration of the national Whig party which had so recently occurred, Judge Strong had to select his future political associates. Personal associations and surroundings, his recent connection with the military organization as a captain, the selection of himself as counsel to the governor to defend in the courts those acts which had grown out of the declaration of martial law, and the necessary confidential relations that clientage begets, all fully explain his affiliation with the Stevens following. It would not have been Judge Strong to have seemingly deserted the cause of a client or friend. It also accounts for his subsequent action with the Democratic party. Joseph S. Smith, an ardent Democrat, who had at an early day been mayor of the city of Portland, and who afterwards so ably represented the state of Oregon in the Congress of the United States, an able lawyer and debater, and a man of earnest convictions, was the recognized leader of the anti-Stevens forces in the House. In the Council, the veteran Whig, Colonel Wallace, its president, with Denny, Abernethy and Alonzo M. Poe on the floor, all old Whigs, who subsequently identified themselves with the Republican party, together with William Cock of Olympia, a

Democrat, constituted the opposition to the governor's declaration of martial law, and other acts under investigation. James W. Wiley, editor of the *Pioneer and Democrat*, Democratic councilman from Thurston county, led the Stevens supporters. Messrs. Pagett of Lewis county, Huff and Van Vleet of Clark county, voted with him. The resolution disapproving of the proclamation of martial law was passed by both houses. Kindred questions connected with the martial-law investigation took the same course; but fuller reference belongs in another chapter.

This part of the author's labor is performed with many misgivings as to his ability to be strictly impartial. That silent appeal from the grave which reminds him to "be just and fear not,"—that injunction which is due to those whose lips are closed, whose hands are motionless in death,—imperiously demands him to be just to their memories and to their deeds through life. He is also commanded with equal emphasis to be just to truth and to one's self. Time, which makes all things even, has restored the sweet incense and remembrance of the good of other days, has brought oblivion of everything which marred friendships or poisoned the streams of personal goodwill. It has done its charitable work of healing wounded feelings, and of appeasing disappointed ambitions. It has obliterated the recollection that social relations were shattered, and even for the time suspended, by the acerbities of political or personal controversy. It has effaced all vestiges of personal rancor and partisan prejudice. And now, when the great hero of that hour sleeps in the patriot's grave, shall one who, at the time, was among his most ardent of political opponents, be false to the trust imposed on him of recording the occurrences of those times? It were a labor of love to follow the preference so sincerely felt,—to present nothing but a tribute of affectionate remembrance. No words of detraction nor denial of the patriotism of Governor Stevens shall be found in these pages, whatever differences of opinion may now be entertained, or however harshly or bitterly in that past those acts in those troublous times were condemned in language of censure, a censure provoked at the time and which found its occasion for utterance in the heat of an excited political contest, or in the warmth of partisan discussion.

Recurring to the message, it will be found that the governor recommended, in appropriate language, "that the hostile tribes be planted by the strong arm of military power on reservations to be established by act of Congress." He justly denounced the usurpation by an army officer, in the plentitude of his power, issuing edicts wiping out the entire county of Walla Walla (1). The governor congratulates the legislature "that, on this your assembling, you will find nothing to reproach the people of our beloved territory with for their conduct either at home or in the field. During the first six months of this war, not an Indian was killed except in battle. Throughout the war, not an Indian has been killed in a volunteer camp. Captured animals have been accounted for as public property. The animals and property of friendly Indians have been cared for and returned to them. Since last April, some murders have occurred, one recently, under circumstances of great aggravation (2). But the wonder is, that these murders were not much more numerous; for it must be borne in mind that for a long time the fealty of all the tribes was uncertain, our citizens were in constant apprehension, and a spirit of exasperation gradually rose and gained strength in consequence of the positive suffering of the entire

(1) Order of Lieutenant-Colonel Steptoe, U. S. Army, August 20, 1856: "No emigrant or other white person, except the Hudson's Bay Company, or persons having ceded rights from the Indians, will be permitted to settle or remain in the Indian country, or on land not settled or not confirmed by the Senate and approved by the President of the United States. These orders are not, however, to apply to the miners engaged in collecting gold at Colvile mines.
Governor Stevens' message and documents, session of 1856–57, page 59.

(2) The murder of Quiemuth, a hostile chief, in the executive office, Olympia, November 18, 1856, by Jos. Buntin, son-in-law of Lieutenant McAllister, killed by Quiemuth.

community. We have waged the war with humanity, with moderation, with honor to our country and honor to ourselves. The dignity, the justice and the mercy of the government has been vindicated at our hands."

Recommendations for legislation and memorializing Congress were then made, with suggested amendments to the militia law. From a statement of the surveyor-general incorporated in the message, the legislature is informed as to the extent of the public surveys: Amount surveyed under contracts from the surveyor-general of Oregon Territory, 1,876 miles; since the organization of Washington Territory, 2,969 miles; making a total of 4,845 miles.

As before stated, the investigations invited by the governor occupied much of the session. On the 16th of August, 1856, Congress had passed a law entitled, "An act to amend the acts regulating the fees, costs and other judicial expenses of the government in the states, territories and District of Columbia."

Sections five and ten of that act are as follows:

"Sec. 5. *And be it further enacted*, that the judges of the supreme court in each of the territories, or a majority of them, shall, when assembled at their respective seats of government, fix and appoint the several places of holding the several courts in their respective districts, and limit the duration of the terms thereof: *Provided*, that the courts shall not be held at more than three places in any one territory."

"Sec. 10. *And be it further enacted*, that it shall be the duty of each of the judges of the supreme court of the respective territories of the United States to designate and appoint one person as clerk of the district over which he presides; * * * and only such district clerks shall be entitled to a compensation from the United States, except fees taxable to the United States."

Heretofore every court created in the territory, whether of a district composed of several counties, or of a single county, was called an United States district court, so treated by bench and bar, and attended by the marshal and district court of the territory. In section seven of this act, the title of these courts is reduced from its hitherto lofty pretension of being an United States district court, and is called plainly and simply, "the district court of the territories." Those by sections five and ten are limited in number to one for each judicial district; and "they shall not be held at more than three places in any one territory," and only one clerk shall be appointed for each of the districts. To conform the civil and criminal procedure to the new condition of things, to regulate the selection of grand and petit juries, to arrange the courts so as to accomplish their purpose, in fact, to adopt the judicial system to the change, necessitated a series of amendatory laws. A joint committee, consisting of three from the House, Messrs. Strong, Morrow and Hinkley, and two from the Council, Messrs. Wiley and Denny, were appointed. Those laws were drafted by Hon. William Strong, the chairman of the joint committee, and unanimously passed. The judicial districts were redefined. The newly created county of Slaughter was added to the third district; and Chehalis was changed from the first to the second district. One place in each district had been designated at the term of the supreme court as the place for holding the terms of the district court therein, as also the times of holding and the length of terms. The number of courts in the territory were thus reduced to three; and the new legislation, to conform the practice to the requirements of the acts of Congress of August 16, 1856, declared "each judicial district shall constitute one county; and wherever in the acts, to which these acts are amendatory, the words 'county' or 'district' are used, they shall be construed to mean

either 'district' or 'county,' whenever such construction shall be required to conform the practice of the courts to the said act of Congress." The attempt was also made to enlarge the civil jurisdiction of probate courts, and to confer criminal jurisdiction upon said courts to try cases of misdemeanor. But soon a general opinion prevailed that such enlarging of the powers of probate courts was inconsistent with the Organic Act; and those acts became inoperative. For years thereafter, only three courts at places separated by a great distance supplied that large area of territory, which, considering the difficulty and expense of transportation, and the time occupied in traveling to the place of holding court by suitors and parties not residents of the county in which the court was held, amounted to a practical denial of justice, except to the few residents of the county in which the courts were held.

A new county nominated Slaughter in the act creating it, in honor of the gallant Lieutenant William A. Slaughter (1), was set off from the counties of King and Jefferson. A few days after its passage, a supplementary act authorized the legal voters of the county at the next general election to settle, by the highest number of votes, the name of such county. At that election the name Kitsap was adopted, such being the name of a war chief of the band whose haunts were upon the peninsula adjacent to Port Madison, the county seat of the new county. At the time of the passage of the act, he was one of the most prominent of the chiefs in the camps of the hostile Indians, and was a *medicine man*. During the war he had received serious wounds on different occasions, which, unaided by others, he treated and successfully healed. He took occasion to boast that it was impossible for either white man or Indian to kill him; and he succeeded for years in creating in the minds of his people such a belief; and they had a superstitious dread of his surgical powers, or, as they called it, *tamanous*. On the 18th of June, 1856, Governor Stevens addressed a communication to Colonel George Wright, Ninth Infantry, U. S. Army, commanding the Columbia river district, offering, as superintendent, to take charge of such Indians "Who may be reported by yourself (Colonel Wright) as having changed their condition from hostility to peace." The governor excepted, however, from any amnesty, Leschi, Nelson, Kitsap and Quiemuth, from the Sound. From motives of prudence, considering the inflamed state of the public mind, Colonel Wright thought it best not to act at once upon the governor's requisition. On October 4th, Governor Stevens renewed the demand, adding Stehi to the list, and asking that those five "be sent to the Sound to be tried by civil authority," giving reasons for insisting that those named should be tried. On the 16th of October, Colonel Wright directed Major Garnett, Ninth Infantry, U. S. Army, commanding at Fort Simcoe, to deliver them up. Each of those named had been indicted for several murders. Leschi was tried, convicted and executed. His brother Quiemuth voluntarily came to the executive office November 7, 1856, and surrendered himself to the governor to answer charges, and was to have been taken to the guardhouse at Steilacoom the next morning at daylight. He was murdered in cold blood, in the presence of a guard, during the night. A son-in-law of James McAllister, an early victim of the war, who had been treacherously killed by Quiemuth, shot him. The slayer rushed to the door, Quiemuth pursuing, where he was fatally stabbed and fell dead. Governor Stevens made the complaint and had the supposed murderer arrested; but there was insufficient evidence to hold the party. This was the case of murder referred to by the

(1) First Lieutenant William A. Slaughter, Fourth Infantry, U. S. Army, graduated at West Point in the class of 1848. No officer of the army ever came to Fort Steilacoom who so endeared himself to the citizens of the territory as did this gallant and enterprising gentleman. From the breaking out of the Indian war, till his untimely death on the night of the 4th of December, 1855, when a night attack was made upon his little camp by Kanaskut, chief of the hostile Klikitats, who fired the fatal shot, he distinguished himself for his gallant conduct.



GEO. D. SHANNON,
OLYMPIA, W. T.

Governor in the paragraph quoted from his message. Kitsap, having escaped from the guardhouse at Fort Steilacoom, was subsequently arrested by a detachment of six United States troops under Sergeant Gardner on the 6th of January, 1859. He was tried shortly afterwards at Olympia and acquitted. He was killed by Indians of his own band, April 18, 1860. The circumstances connected with his death, published at the time, are as follows: "While in the guardhouse at Fort Steilacoom awaiting his trial, Kitsap was taken ill; and a prescription composed of red liquid was administered. This had the effect of restoring him to health; whereupon Kitsap thought he had made a wonderful discovery. Shortly after his return to his people, three of his warriors became sick. Having previously informed them that during his captivity he had acquired a knowledge of the healing art, he officiated as the medicine man for the occasion; and, preparing a mixture of water and the red stuff used to paint their faces, he gave it to them to drink. Unfortunately for Kitsap, this didn't operate upon them as the medicine of like color had operated upon him at the garrison. The three invalids went the way of all flesh a few hours after swallowing it. To the relatives and friends of the deceased, this looked like willful murder, and they accordingly vowed to be revenged. A favorable opportunity occurring by Kitsap being drunk, he was induced in this state to accompany his executioners to a vacant cabin near Montgomery's, where two of them fired simultaneously at him, both shots taking mortal effect. With knives they afterwards cut his throat from ear to ear, and severed the body from the lower extremities, leaving only the backbone connecting the two parts. In this condition his remains were found on the Sunday following."

The usual amendatory legislation to school, road and revenue laws was consummated. A number of acts of incorporation were passed, notable among which was the act incorporating the Northern Pacific Railroad Company, the route being designated as "commencing at one of the passes of the Rocky Mountains, and connecting with such road passing through the territories of Minnesota and Nebraska, as the company may elect, thence westward through Washington Territory by the Bitter Root valley, crossing the Cœur d'Alene Mountains by the most practicable route; thence across the great plain of the Columbia with two branches, one down the Columbia to Vancouver, the other over the Cascade Mountains to the Sound, with a connection from the river to the Sound;" also the act incorporating the Territorial Geographical and Statistical Society; also the City of Vancouver. The Penitentiary Commission Bill was amended, naming new commissioners, who were to supervise the building of the penitentiary at Vancouver when Congress appropriated the necessary funds. Trade with or employment of Northern Indians was made a misdemeanor, with fine and imprisonment as the punishment. The license law was amended to prohibit the issuing of a "license for the sale of intoxicating liquors, unless the applicant presents a petition signed by a majority of all the adult white inhabitants of the precinct in which it is to be used."

The assembly memorialized Congress to separate the offices of governor and superintendent of Indian affairs, or rather to make the latter an independent office, urging as a reason that the experience of the late war had demonstrated that the duties of the two might be inharmonious; that the precarious relations between settlers and Indians required that the arduous duties of Indian superintendent should be performed by an officer exclusively appointed for the purpose. The usual prayer was made for a steam war vessel upon the Sound to protect the exposed settlements against the inroads of Northern savages; the extinguishment of the rights of the Hudson's Bay and Puget

Sound Agricultural Companies; and for extra pay to Sergeant Kelly and his detachment, Company H, Fourth Infantry, U. S. Army, for "their efficient aid in protecting the citizens that escaped massacre at the Cascades on the 27th of March, 1856, and their gallant conduct in defending the blockhouse at that place against the combined attack, for three days, of several hundred Indians;" also to confirm to settlers, who were actually residing upon their Donation claims at the time of the commencement of Indian hostilities in 1855, the title to the same as though four years' actual residence had been made.

Before the members of the legislature had departed for their respective homes, those who favored the principles enunciated by the national Republican convention held in Philadelphia in 1856, and which nominated John C. Frémont for the Presidency, together with prominent citizens from all parts of the territory (invited because of their having heretofore acted with the opposition to the national or territorial administration, or Democrats of pronounced free-soil views, or those who had expressed sympathy with the national Republican movement), assembled at Olympia and formally indorsed the national Republican platform of principles, and organized the Republican party for the territory. A territorial central committee was appointed, and the resolution adopted to organize in each county, and to nominate full territorial, district and county Republican tickets to be supported at the next general election.

In the spring, business began to resume a more active and confident appearance. Farmers were gradually returning to their claims. At the usual time, the Democratic and Republican territorial conventions, respectively, assembled for the nomination of a candidate to be supported at the ensuing election. The proceedings were conducted with apparent unanimity. Governor Stevens received the Democratic nomination. Alexander S. Abernethy was his Republican competitor. About the time that the political canvass commenced, Selucius Garfielde, who but shortly before had been appointed receiver of the United States district land-office at Olympia, had arrived at his post. He came with a national reputation as an orator and stump speaker. He had, in the Presidential contest of 1856, stumped many of the western and northwestern states, being steadily engaged during the whole canvass. Of admirable personal presence and address, with a rich, round and full voice of which he had singular control, with a peerless enunciation of well-selected language, ofttimes rising to exalted eloquence and high-wrought imagery, with a splendid physique, his style of oratory was effective and captivating. He had but few equals and no superior as a stump speaker, a platform orator or a jury advocate. His natural gifts were extraordinary, his acquirements varied; but he required spurring by some motive to incite him to labor. He lacked application. His ambitions for office were boundless, but were merely those of the place-hunter. With talents that fitted him for any office within the gift of the people or of a national administration, he lacked the energy to establish his claim, and forgot what was due to himself. He was neither true to himself nor to his friends, nor to any political party, nor consistent in anything. No man was ever welcomed more cordially by a community than he. None ever made greater prestige in his political *début*. In politics, at the bar, in society, he might have been master of the situation had he assumed to claim and retain the personal homage his newly found home was so ready to accord.

He at once entered upon the congressional canvass for Governor Stevens, accompanying him and making speeches on the national issues. Fresh from his political services in which he had won so many laurels, in this smaller arena he dazzled the eyes of his Democratic votaries, as he fought over in most eloquent style the political battles of

1856, and repeated those able and matured addresses on Democracy so popularly received and frequently made in the preceding national campaign. How eloquently and successfully he invoked the Democracy to achieve in the territory what their political brethren had accomplished in the nation! There was great plausibility in that encouragement. It had always been the favorite theory in territorial politics that the territorial delegate should be in political accord with the majority in Congress, especially with the national administration. His presence and championship of partisan issues enabled the Democratic candidate to devote his time and remarks exclusively to urging his personal claim, to defending the Indian war policy of the territory, and to explaining the necessity of martial law as a war measure, thereby palliating its proclamation. He appealed to those who had furnished their services and made advances, urging that, as he had incurred the indebtedness, he was best adapted to explain the exigency; and that to secure the recognition of that debt and its payment by the general government, as he was *en rapport* with the national administration, as also with the Democratic majority in Congress, it was safest as a business proposition to elect him. There was a still more urgent appeal made by him. He it was, above all others, against whom General Wool and his co-slanderers of the territory, its people and its soldiery, had hurled their poisoned shafts of malice and falsehood for the purpose of ruining him in public esteem, and defeating the just claims of the citizens of the territory and its volunteers in the defense of their homes. Reliantly he asked, "Would the people consent to his sacrifice, and join with their slanderers to consummate a wrong to him and to themselves?"

His Republican competitor, Alexander S. Abernethy, one of the oldest settlers, and a most respected and worthy citizen, not a public speaker, but a thinker, a concise and clear talker and an able writer, rich in knowledge, of ample experience and thoroughly informed in the science of politics and in the needs of the territory, modest and unassuming to a fault, declined to make open speeches in the canvass, and remained at home. William H. Wallace and Elwood Evans represented him as the Republican canvassers. Both were identified with the opposition to martial law. By the Democratic journals, both had been classified as opponents of the governor's war policy. Both had been denounced as "confederates of Leschi." The political platforms were fearlessly discussed by the Republican speakers and Mr. Garfielde. Salient points of the governor's personal policy were not spared; yet no personal rancor entered into the canvass on the stump. The issue at the polls ingeniously and steadily pressed was not Democracy as against Republicanism. It was simply this, nothing more: "A vote against Isaac I. Stevens is a vote against the Indian war as carried on by the people of the territory. It is an admission that the charges made against him and the territorial authorities of Oregon and Washington are true, and were justly made. It is a rebuke by the people themselves of their officers. It is the verdict that the Indian war debt has no claim to recognition and payment by the general government." Such was that contest of 1857. Never did those engaged in the conduct of that canvass forget the amenities of social life. It was pleasantly and gentlemanly conducted between the canvassers; yet never were men more disparagingly referred to in the partisan journals of the successful party than were the two canvassers who carried the standard of the Republican party in its first canvass in Washington Territory to signal defeat.

Governor Stevens was triumphantly elected, his policy sustained, and the instructions given to repeal the Anti-Stevens measures, passed by the legislature of 1856–57, by the

following decisive vote: Stevens 953, Abernethy 518. The legislature elected consisted of, in the Council, six Democrats and two Republicans; in the House, twenty-two Democrats and seven Republicans.

On the 11th of August, an event took place on Whidby's Island which caused the greatest consternation throughout the territory, and threw the whole lower Sound country into a state of the highest alarm and indignation. That night or towards morning, Colonel Isaac N. Ebey was cruelly murdered at his own house by a band of Northern Indians, and his head severed from his body and carried away. The perpetrators of this brutal outrage were a party of Kake Indians, who have their homes as far north as between fifty-eight and fifty-nine degrees north latitude. They made a descent upon Whidby's Island, and were supposed to have numbered about two hundred. During the day, they had called at the house of Colonel Ebey and had been kindly received. When midnight came, they again went to the house, called him out, shot him and cut his head off, and made their escape, carrying away the head. George W. Corliss, United States marshal, and his wife, were visiting at the Colonel's. They and the Colonel's family managed to escape while the Indians were parleying outside of the house (1).

For a long time, every effort to ascertain where the head of the murdered Ebey was, and to secure its return, was unsuccessful. During the usual northern fall trip (1858) of the Hudson's Bay Company's steamer *Beaver*, a village of Kake Indians, fifty-eight degrees, thirty minutes north, was visited; and Captain Swanston, master of the steamer, learned that that band had the scalp of Colonel Ebey. Chief Trader Dodd, who was on board, sent word to the chiefs of the village that he wanted to purchase it. Almost immediately three or four large canoes filled with armed men came alongside of the *Beaver*, and some eight or ten had boarded the steamer before their warlike appearance and conduct were observed. The crew of the *Beaver* was beat to quarters, the guns run out, and the ship prepared for action. The Indians were then put off and the canoes warned away from the vessel. Inquiry was then made as to the cause of the hostile attempt to board the vessel. The reply from the Indians was that they supposed the demand for the scalp was preliminary to an attack on the village, if the demand was not complied with. On being advised that no such intention existed, quiet was restored, and the Indians became peaceable; but they would not on any terms consent to surrender the scalp. On the fall trip a year later, Chief Trader Dodd on the *Labouchere* secured Colonel Ebey's scalp from the Northern Indians, and presented it to Alonzo M. Poe, who gave it to the relatives of the deceased. That blood-curdling horror had no provocation in any act of the gallant Ebey. He was always just and discreet in his treatment of that race. It was a reprisal on the part of the Northern savages. It was the delayed gratification of revenge. It was the deferred execution of the threat made by the subtle, unrelenting, unsubdued savages chastised in November, 1856, at Port Gamble, by Captain Samuel Swartwout, U. S. Navy, then in command of the U. S. steamship *Massachusetts*.

The election of Governor Stevens to Congress, as also the fact that his commission had expired in the early days of the previous March, had created a vacancy which was filled by the appointment of Fayette McMullin of Virginia, who had served in several Congresses as a member of Congress from that state. He reached Olympia early in September. On the 7th of December, the Legislative Assembly (fifth annual session of 1857–58) convened at Olympia. Christopher C. Pagett, of Lewis county, was elected

(1) Both Mr. Corliss and his wife were subsequently murdered on the island by Northern Indians, supposed to be the same band, and actuated by the same motive.



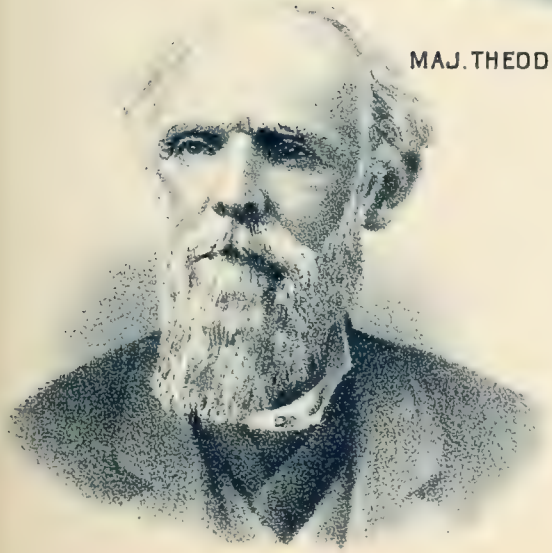
JUDGE A.J. THAYER,
CORVALLIS, OR.



MRS. A.J. THAYER,
PORTLAND, OR.



MAJ. THEODORE J. ECKERSON, U.S.A.



J.R. BAYLEY, M.D.
NEWPORT, OR.



MRS. ELIZABETH BAYLEY,
NEWPORT, OR

president of the Council; and John M. S. Van Cleave, of Pacific county, was elected speaker of the House of Representatives. On the twelfth, Governor McMullin delivered the customary message. He alluded to his recent advent to the territory as a reason why he could give but little information beneficial to the Assembly, and was unable to make any recommendations. This afforded the opportunity to laud the President of the United States and his Cabinet advisers: "Gentlemen of enlarged and liberal views, who are true to the Constitution and the Union, and who will contend for the rights and equality of the states. In conclusion, I will say to you, my countrymen, that if we wish to preserve this great and glorious Union, which has recently been shaken to its very center, and which I seriously fear is still in imminent danger, it can only be done by adhering strictly to the Constitution,—that sacred instrument which will be to us as a 'cloud by day and a pillow of fire by night.' We must, at the same time, practice and carry out the clear and unmistakable doctrine of non-intervention, a doctrine which will and must be maintained so long as we recognize the right of a representative government. If we will but do these things, I hope and believe that God, in the plenitude of his mercy, will continue to bestow upon us, as he has hitherto done, his rich and innumerable blessings."

He protested against "the attempt to rob Washington Territory," characterizing it a "political, moral and social outrage" on the part of Oregon in the northern boundary of the state, as suggested in its proposed constitution. Instead of following the forty-sixth parallel, after its intersection with the Columbia river, eastward, it aimed to preserve a natural boundary by continuing up the channel of the Columbia to the mouth of the Snake, and then adopting its channel as the east. This would have secured to the new state of Oregon the Walla Walla valley; but at that time it was unoccupied and unsettled, the military interdict against American occupancy issued by General Wool not having been removed. The state constitution of Oregon, however, had expressly provided for the alternative, anticipating that Congress would not disturb the boundaries of the territory of Washington as defined by the Organic Act. That boundary was adopted by Congress in the Oregon Admission Act; and Walla Walla valley, or so much of it as lies north of the forty-sixth parallel, remained a part of Washington Territory.

As an encouragement to emigration, the governor recommended a gift of a quarter section, without any restrictions imposing residence or cultivation.

The legislature was advised that Congress had appropriated thirty thousand dollars to erect the public buildings at the seat of government. Responsive to this suggestion, an act was passed appointing commissioners to provide for the erection of the capitol building at Olympia; "but no money was to be expended until the Attorney-General of the United States had pronounced the title valid in Washington Territory to at least ten acres of land, including that whereon the present capitol stands." Commissioners were also appointed, by an amendatory act, to superintend the construction of the penitentiary, which had been located at the "Short claim," in the city of Vancouver. Much routine legislation was accomplished, including amendments to the militia law, common school law, and also providing for the distribution of territorial arms, the recording, as also the vacating, of town plats, and making it a criminal offense to sell liquor to Kanakas. The United States coast-surveying officers were authorized to enter upon lands to erect signals; and the destruction of those signals was made a misdemeanor. The territorial university was relocated at Cowlitz Farm Prairie, in Lewis county, provided a donation of one hundred and sixty acres could be secured. In such event, the two townships of university lands reserved by Congress were to be sold. There were a great number of incorporation

acts passed and county boundary lines changed. The county of Spokane was cut off from Walla Walla county, and included all of Eastern Washington, commencing at the mouth of the Snake river, following its channel to the forty-sixth parallel, thence east to the Rocky Mountains, thence north to the northern boundary of the territory, thence west to the Columbia river, and down that river to the place of beginning. Several divorce bills were passed, notably that of Fayette McMullin and Polly A. McMullin. The name of his divorced wife was Polly Wood. When the governor had shuffled off that "marital coil," he did not pause, but took to himself another Mary Wood, with whom he returned to old Virginia within the year, leaving the administration of affairs of state to Secretary Charles H. Mason, as acting governor.

The legislature, in obedience to the popular verdict at the election in 1857, rescinded the action of the previous session disapproving of Governor Stevens' declaration of martial law. The legislature now resolved: "That the resolution passed January 16, 1857, does not now, and did not at that time, express the opinion of a majority of the citizens of Washington Territory, but was in direct contravention of the same, a fact manifested by the triumphant election of Governor Stevens as delegate to Congress, he receiving in such election over two-thirds of the votes cast." The legislature also censured its predecessors because of their omission to condemn the course pursued by General Wool and Colonel George Wright, and then went on to censure those officers and to commend the war policy of Governor Stevens, and acknowledge in eulogistic terms the services of the volunteers. They also united with Governor McMullin in rebuking the alleged covetous desire of Oregon to acquire Walla Walla valley, and strongly upbraided the interdict of the United States army officers in expelling American settlers and prohibiting settlement. A vote of thanks was tendered to Governor Curry of Oregon for his able message to the Oregon legislature concerning the Indian war, and the policy of that executive. A memorial was adopted urging the separation of the office of joint superintendent of the territories of Washington and Oregon, and the creation of a separate superintendency of Indian affairs for Washington Territory (1). Additional memorials on many subjects were also passed, suggested by the condition of affairs growing out of the Indian war, and the privations of citizens consequent thereupon, and the usual needs of a frontier territory, together with the fact that it had an exclusive coast line and was without appliances to encourage commerce.

Immediately before the adjournment of the United States Senate, June 18, 1858, that body confirmed the appointment of Obadiah B. McFadden as chief justice of the supreme court of Washington Territory, and William Strong and Edmund C. Fitzhugh as associate justices.

In 1853, parties of the Northern Pacific Railroad exploration had found traces of gold in many streams west of the Rocky Mountains. In 1855, the bars of the Upper Columbia and its tributaries proved remunerative to miners; and reports were numerous that north of the forty-ninth parallel gold existed in large quantities and was extensively diffused. But the attention of the officers of the Hudson's Bay Company was not excited until about March 1, 1856, when Archibald McDonald, Chief Trader, in charge of Fort Colvile, apprised Governor Douglas that gold had been found in paying quantities on the Upper Columbia, within British territory. On the 16th of April, 1856, Governor Douglas communicated the intelligence to the British government, suggesting a tax upon miners

1 The provision that the governor should exercise the duties of superintendent of Indian affairs had been abrogated by an act of Congress approved March 3, 1857; and the territories of Oregon and Washington had been consolidated into one superintendency. James W. Nesmith had been appointed the superintendent in the consolidated district.

and the employment of a military force to secure its collection. Mr. Labouchere, then colonial secretary, replied August 4, 1856, that the government was unprepared "to increase its expenses on account of a revenue derivable from such a source from that distant quarter of the British dominions." Governor Douglas answered October 29, 1856: "The number of persons engaged in gold digging is yet extremely limited in consequence of the threatening attitude of the native tribes, who, being hostile to the Americans, have uniformly opposed the entrance of American citizens into their country. The people from American Oregon are therefore excluded from the gold district, except such as are resorting to the artifice of denying their country, and succeed in passing for British subjects. The number of persons at present engaged in the search for gold are chiefly of British origin and retired servants of the Hudson's Bay Company." He then reiterates that experiments upon the tributaries of Fraser river justify the belief that the gold region is extensive.

It must be borne in mind that, in 1855–56, the Indian war in Washington Territory had closed all the avenues of approach by land into adjacent British territory. Governor Douglas asserted that Americans were deterred only by the hostility of British Indians from rushing in to enjoy these new discoveries. He desired the adoption of a policy by the British colonial authorities which would save British Columbia for the enjoyment of British settlers to the exclusion of their American neighbors, and secure government support and authority as an auxiliary to the Hudson's Bay Company in exacting tribute from Americans should they be tempted into British Columbia. But chief of all he desired the attention of the government to the importance of its possessions on the northwest coast of America, and to incite such a permanency of establishment as would secure British competition for the commerce, wealth and political benefit of these regions. There really had been no Americans within British Columbia, at that time called New Caledonia, nor was there any real foundation for anticipating a raid by them, warranting the assertion that to their ingress the natives were hostile. The efforts of Governor Douglas to secure colonization from England, under the auspices of the British government, were without success. After waiting more than a year, he redoubled his efforts to make British Columbia attractive.

On the 29th of December, 1857, Governor Douglas was still corresponding with the home government in regard to these gold fields, now designated by him as the "Couteaux mines," from the name of the tribe inhabiting the region. "It appears from report that the auriferous character of the country is becoming more extensively developed through the exertion of the native Indian tribes, who, having tasted the sweets of gold-finding, are devoting much of their time and attention to that pursuit. The reputed wealth of the Couteaux mines is causing much excitement among the population of the United States territories of Washington and Oregon; and I have no doubt that a great number of people from those territories will be attracted thither with the return of fine weather in spring." Although the governor was silent on the subject, yet, on the day previous to the foregoing dispatch, he had issued a proclamation declaring the existence of gold in the Fraser river and Thompson's river districts, claiming the same as a royalty of the Crown, and prohibiting mining in British territory without first having obtained a license, the fee for which was fixed at twenty-one shillings per month. A copy of that proclamation had been at once forwarded to Dr. William F. Tolmie, Chief Factor of the Hudson's Bay Company, in charge of Fort Nisqually, for publication in the *Pioneer and Democrat*, printed at Olympia, then the only newspaper on the Pacific coast north of the Columbia

river. As a postscript to the advertisement, this notice was appended: "The Couteaux Indians have driven all the Whites who have attempted to work the mines out of their country; and people should be warned that they are decidedly dangerous."

At the commencement of the year 1858, there was no excitement whatever in Oregon or Washington territories as to the supposed existence of gold anywhere in this northern region. The Couteaux mines had never been heard of, much less were they an occasion of excitement. Indeed, the people of those territories, after extensive and unsuccessful prospecting, had abandoned the hope that the discovery of gold might become an incentive to immigration. Not a single journal in Oregon or Washington, at that period, heralded any such ideas, or published any sensational matter upon the subject. In the advertising columns of an Olympia paper, the proclamation of Governor Douglas stood for weeks, without even a comment from the editor. But it cannot be doubted that such official acts by Governor Douglas, than whom no man stood justly higher for probity, prudence and thorough acquaintance with the country, did engender a popular belief that gold must exist in large quantities, or that that eminent official would never have adopted so delicate a step.

It was not until March 5, 1858, that the *Pioneer and Democrat* ventured to advert editorially to the "supposed" discoveries of gold in the British territory. It then announced "Reported gold discoveries." Accompanying its publication of the rumors from Victoria came the *quasi*-official assurance: "The same license is demanded of Britains as well as Americans. British subjects and American citizens stand in perfect equality as to the privilege of working the mines." The issue of March 12th chronicles "Good news from the gold mines." With more confidence, on the 26th of March, the paper heads its notice: "The gold regions north! Highly favorable reports." April 9th: "Latest from the gold regions. Further encouraging news." April 16th, in glowing colors, the *Pioneer* gives the latest intelligence "From the Fraser river gold mines. Late reliable and confirmatory tidings." Those who started from the American side of the forty-ninth degree could not have reached the diggings, owing to the difficulties of travel and the high stages of water. Hence it was not the personal success of the gold seekers. It was merely the word sent back which the Americans received from the Hudson's Bay Company's employés as the former journeyed to the Upper Fraser.

This much has been quoted to show the progress of heralding the existence of gold. The rapid spread of the excitement, substantially based upon the dignity of its origin and the great deference for its eminent apostle, is illustrated by a statement from the columns of the San Francisco *Herald*, as early as April 20, 1858, that the excitement in California "was fully equal to that existing in the Atlantic States in 1849–50, in regard to California." The *Pioneer* of April 30th announces the arrival of the steamer *Commodore* at Victoria with 450 passengers, and the *Columbia* at Olympia with 250. In the foregoing memoranda is portrayed the modest doubting start of the journal nearest to the gold fields, most liable to be infected with the excitement, and most interested in attracting immigrants to the vicinage. Although its advertising columns contained the authoritative invitation of Governor Douglas to come and pay for the privilege of digging for gold where he officially proclaimed its existence, yet that journal, reflecting the sentiments of the people of Oregon and Washington, did not feel warranted in attempting to create a sensation. These facts, which are indisputable, repel the idea that there was any excitement in the American territories previous to the spring of 1858. They clearly establish the proposition that the inception of the Fraser river excitement is attributable exclusively to the official acts of



J. D. DAMMAN,

ELLENSBURGH, W. T.

the late Sir James Douglas, then governor of Vancouver Island. The tide had now fairly set towards Fraser river,—towards British Columbia.

The contemplation of one of these gold migrations is a pardonable, if not a necessary, digression. The one under consideration is well marked in all its phases. It is eminently worthy of the close attention of the student. Like a fever, it will be found to have had its successive stages. Spreading far and wide over the earth's circumference, possibly infecting even a larger field than its predecessor of California, it developed quickly, rushed madly to the crisis, then as rapidly subsided. One short eventful year chronicled its rise, its progress and its fall. It almost depleted Oregon and Washington of their male population, who rushed in large numbers to the new gold fields. All the approaches to the new mines were through and around those territories. The hitherto unfrequented and almost unknown ports of Puget Sound were suddenly enlivened by the bustle and excitement of a newly created trade, and swarmed with the gold pilgrims *en route* to the Fraser. San Francisco will not forget that eventful year, the vast cargoes leaving the Golden city on all sorts of vessels, calling into requisition old hulks long before laid up to rot, which, in ordinary business transactions, a man of judgment would hardly risk the weight of a feather aboard, surely not invest more than its value in such a venture; yet those old hulks carried thousands to the northern El Dorado. Truly the gold mania is irresistible, carrying all before it, remodeling and revolutionizing every section it infects.

To recur now to the current acts of Governor Douglas after the arrival of vast numbers at Victoria. On the 6th of April, 1858, he had written to the Secretary of State for the colonies: "The search for gold and prospecting had, up to the last dates from the interior, been carried on by the native Indian population." Can any one doubt that till this time Governor Douglas was acting solely on the statements of Indians, and his faith in the country? On the 8th of May, he again addressed the Secretary, exulting in the advent of numbers to the colony, and boldly avowing the project of making Victoria a port between San Francisco and the gold mines, converting the latter into a feeder and dependency of the colony of Victoria. After developing his plans, he concludes: "By that means, also, the whole trade of the gold region would pass through Fraser river, and be retained within British territory, forming a valuable outlet for British manufactured goods, and at once creating a lucrative trade between the mother country and Vancouver Island." That very interesting correspondence tends in the same general direction; and pages might be quoted to illustrate the designs of that sagacious statesman, whose great natural ability had been tempered by an experience of a third of a century on the Pacific, where he was the leader of men and improviser of governments. Governor James Douglas meant nothing less than the founding of an empire. He aimed at the creation of British interests upon the Pacific, which would become of such importance as to cause Great Britain to permanently establish its power in these regions. His attachment to the Hudson's Bay Company, to whose service he had devoted a long life, induced the hope that the company would contribute to the success of, and reap the advantages flowing from, the accomplishment of his programme. Wise and sagacious was the projector of British commerce and supremacy in these seas. He merited the compliment he received,—the commission as first governor of British Columbia, and the honors of knighthood.

The first grand effect of the Fraser river excitement proclaims that during its short-lived continuance, had the United States been owner of the ports of Esquimault and Victoria, the advantage of position alone would have secured to the United States, or at least have controlled for an American center of trade, the entire benefits which have

accrued from that remarkable gold hegira and its consequent events. If Victoria had not become the recognized emporium of the gold fields, it is safe to say that a large city would have sprung into life upon the shores of Puget Sound. Such a city in American territory would have continued the outlet and absorber of the mineral wealth of the exhaustless gold-bearing regions of British Columbia. The progress of the "excitement" has already been traced to May, 1858. The advent of thousands had indicated that the most sanguine hopes of Governor Douglas had been fully justified. The cloak had been thrown off, the purpose avowed, of establishing Victoria as a port, concentrating all the trade with the interior, through Fraser river, and of prohibiting American competition and enterprise within British territory. Of even date with his dispatch to the British Secretary of State for the colonies (May 8, 1858), when thousands, mostly Americans, were congregated at Victoria and at various points on Puget Sound, waiting for means of transportation to Fraser river, Governor Douglas issued a proclamation declaring an embargo of said river, except to vessels and boats of the Hudson's Bay Company, without a sufferance first obtained from the custom-house at Victoria. Conditions were imposed that the owner was to receive goods only of the Hudson's Bay Company, and that no arms, ammunition or utensils of war should be carried up the river except from the United Kingdom. No passengers were to be transported, except those who had a license and permit from the government of Vancouver Island. There was an entire prohibition of trade with the natives. After fourteen days from date, the violation of the said proclamation subjected the boats and property to forfeiture. The proclamation asserted the sole right of the Hudson's Bay Company to trade with the Indians in the British possessions on the northwest coast of America, to the exclusion of all other persons, whether British or foreign. To enforce this proclamation, Governor Douglas called into requisition H. M. ship *Satellite*, Captain James B. Provost, R. N., who for several weeks maintained a strict blockade of the river. Three hundred and four permits were issued. A number of small craft were seized, together with several small cargoes of merchandise.

In announcing these acts to the British government (May 19, 1858), Governor Douglas thus justified his course: "In the meantime, with the view of escaping the greater evil of compelling people to have recourse to expedients for entering the country by unlawful means, I am striving to legalize the entrance of gold miners into Fraser river on certain conditions, which at once assert the rights of the Crown, protect the interests of the Hudson's Bay Company, and are intended to draw the whole trade of the gold district through Fraser river to this colony, which will procure its supplies directly from the mother country. With those views, I proposed an arrangement on the following terms to the agents of the United States Pacific Mail Steamship Company: 1. That they should place the necessary steamers on the river, between the mouth and the falls; 2. That they should carry the Hudson's Bay Company's freight, and such as they permitted to be shipped into Fraser river, and no other; 3. That they carry no passengers except such as have secured a permit and mining license from the government of Vancouver Island; that they pay to the Hudson's Bay Company, as compensation, at the rate of two dollars head money for each passenger carried into or upon Fraser river." The maximum charges for freight from Victoria to the mines were also regulated by this agreement. He concludes the dispatch: "The object of all these measures is to gain facilities to miners, and to secure the trade of the gold regions for our own country, as it will otherwise take the direction of the Columbia river into American Oregon."

An idea of the development of the "excitement" is admirably presented in a letter of Governor Douglas to the home government early in July, 1858. From that document we learn that, from May 19th to July 1st, the records of the Victoria custom-house exhibited arrivals at that point of nineteen steamships, nine sailing ships, fourteen decked vessels, with 6,133 passengers reported. And it may safely be added that large numbers came as passengers whose names found no place on those reported lists. To this should be added the fleet which arrived at Puget Sound ports, probably quite as numerous, and which landed their living cargoes at Whatcom, Port Townsend, Seattle, Steilacoom and Olympia. Nor must we forget the overland gold seekers who journeyed thither from Oregon and Washington, by all the mountain routes, and appropriated that great natural channel of communication, the Columbia river. There was also a vast exodus from Canada, Minnesota and the lake states. Every part of the globe contributed its quota to this remarkable stampede.

The object of the distinguished author of this gold bubble has already been abundantly depicted,—the grandeur of the British Crown traveling hand in hand with and contingent upon the permanent establishment and assured success of the Hudson's Bay Company. In the mind of Governor Douglas, this two-fold result was to be attained by those two elements depending upon and contributing each to the other. He founded Victoria as an emporium of commerce, a center of power. He caused to be filled with a numerous population the adjacent province of British Columbia. Such province was to be entirely dependent upon Victoria; and the Hudson's Bay Company was to be the chief almoner to the needs of that people; and they in turn were to be the dependants upon the company as their source of supply. The termination of the exclusiveness of right in the Hudson's Bay Company to operate or trade in British America west of the Rocky Mountains was the immediate response by the British government when advised that the "Fraser river excitement" was about to be urged as the basis of claim to increase the privileges of that company, and to continue territorial or proprietary rights in the British territory west of the Rocky Mountains.

It is no part of the purpose of this work to trace the history of British Columbia or Vancouver Island, or of the relations of the Hudson's Bay Company thereto, being content to leave that history at the point where the world-renowned Bulwer placed upon record his commentaries upon the Hudson's Bay Company. It is claimed, however, that the "Fraser river excitement" merits an enduring place among the notable events in history, because it hastened the downfall of that great monoply as an agent in colonization or settlement.

Having commended the prudence and vigilance of Governor Douglas' administration, improvised to meet an unanticipated and unparalleled emergency, Sir E. Bulwer Lytton, then British Secretary of State for the colonies, reminds that official that his commission strictly was confined to Vancouver Island; but the steps taken to prevent the landing at Fraser river of articles prohibited by the customs laws is approved. The dispatch proceeds with instructions as to terms upon which foreigners will be permitted to navigate the Fraser river, and to disembark passengers and goods. The governor is emphatically warned against "using the powers intrusted to him in maintenance of the Hudson's Bay Company in the territory, who, under its license, is entitled to exclusive trade with the Indians, and possesses no other right or privilege whatever." The exclusion of persons or the prevention of importation of goods, because of apprehended interference with the monopoly, is strictly forbidden, "still more to make any governmental regulations

subservient to the interests or revenues of the company." The proclamation of May 8, 1858, is disallowed; and the contract with the Pacific Mail Company is disapproved. Secretary Lytton, in this dispatch, discards *in toto* all claim of exclusiveness of privilege to the Hudson's Bay Company under its "license of trade," except the mere franchise of exclusive trade with the Indians.

Accompanying that official dispatch, Sir E. Bulwer Lytton transmitted a confidential letter to Governor Douglas, tendering the commission of first governor of British Columbia, then about to be established as a colonial government: "My public dispatch of this date will have shown you the high value which Her Majesty's government attach to your services, and, at the same time, will guard you against some of the errors into which you may be led by your position as an agent of the Hudson's Bay Company, while at the same time an officer of Her Majesty's government. The legal connection of the Hudson's Bay Company with Vancouver Island will shortly be severed by the resumption by the Crown of the grant of the soil. And their legal rights on the continent will terminate in May next, at all events, by the expiry of their license, if Her Majesty should not be advised to terminate it sooner on the establishment of the new colony. It is absolutely necessary, in their view, that the administration of the government, both of Vancouver Island and of the mainland opposite, should be intrusted to an officer or officers entirely unconnected with the company. I wish, therefore, for your distinct statement, as early as you can afford it, whether you are willing, on receiving the appointment which is thus offered to you, to give up, within as short a time as may be practicable, all connection which you may have with that company either as its servant, or a shareholder, or in any other capacity."

On the 31st of July, Mr. Bulwer notified Governor Douglas that the confidential letter of the 16th of July should also have mentioned the Puget Sound Agricultural Company, a disconnection with which was also a *sine qua non* to the reception of an appointment as governor of British Columbia. On the 14th of August, 1858, the British parliament passed the act establishing a government for the province of British Columbia. In transmitting to Sir James Douglas the copy of said act, Mr. Bulwer advises him, as its first governor, that "The Hudson's Bay Company have hitherto had an exclusive right to trade with Indians in the Fraser river territory; but they *have had no other right whatever*. They have had no right to exclude strangers. They have had no rights of government or of occupation of the soil. They have had no rights to prevent or interfere with any kind of trading, except with Indians alone. But to render all misconceptions impossible, Her Majesty's government have determined on revoking the company's license (which would itself have expired in next May) as regards British Columbia, being fully authorized to do so by the terms of the license itself, whenever a new colony is constituted."

One of the immediate and direct results of the Fraser river excitement is an *exposé* of British policy, fraught with vast interest and full of instruction. How plainly is exhibited the strictness with which that wary government acts in her direct dealings with her own subjects. How marked the contrast between rights of the Hudson's Bay Company growing out of their pursuit of trade in American territory, under the license of trade of 1838, when sought to be enforced as against the United States, and the obligations recognized as due to the same company growing out of a cotemporaneous presence under the same license, in a portion of the same region which had become British territory, and the British government had become the party to construe the contract. The



L.A.LOOMIS,
ILWACO, W.T.

grant, though continuing until May, 1859, was revoked in British territory by the British Crown in the summer of 1858. And that government denied any liability whatever to indemnify the grantees for abruptly terminating the license. Neither did the Hudson's Bay Company pretend to assert a claim for privation of benefits, the enjoyment of which, for a prescribed term, it might have been supposed, had been guaranteed. In British territory, "possessory rights" ceased to exist with the termination of the license which conferred their enjoyment. By the treaty of 1846, the United States had stipulated to respect those identical "possessory rights" attaching under the same license when exercised in American Oregon. British opinion ascribed an entirely different significance to that term, under that treaty. As against the United States, those rights were construed as continuing as proprietary interests, extinguishable only by purchase by the United States. The Fraser river excitement is therefore interesting in a national view because it provoked the necessity of the British government authoritatively construing the measure of privileges, franchises and tenure of the Hudson's Bay Company under the license of exclusive trade in the territory west of the Rocky Mountains, and the duties and obligations of the British government to said company upon the recall of the grant. By the decision of that government, no vested rights had attached in the territory,—no "possessory rights."

No sooner did British Columbia begin to attract settlers, than Sir E. Bulwer Lytton, speaking as one of the British cabinet the will of the British government, set at rest all pretensions of proprietary claim, all continuing rights or equities supposed to attach to such a license of trade, although such license had necessarily carried with it a permission to occupy territory. "The company's private property will be protected in common with that of Her Majesty's subjects; but they have no claim whatever for compensation for the loss of their exclusive trade, which they only possessed subject to this right of revocation."

That memorable stampede is eminently worthy of study. True, it was short-lived, but how pregnant with results! The mammoth monopoly, to benefit whom it was written into existence by the ablest officer in the Hudson's Bay Company's service, that empire organization which had survived for nearly two centuries, which profited so much while the excitement continued, was itself to pass into history, its first great death-blow dealt as a necessity growing out of the attraction of people to Fraser river. Vancouver Island and British Columbia had become settled by free or individual settlers. Free settlements and the Hudson's Bay Company occupancy were two principles which could not harmonize. The former depended for its success upon the recognition of man's individuality; whilst the discipline of organized monopoly was the thralldom of the individual to its behests. The one is vitality of progress, the other mere inanity. Both cannot survive. It was admitted that the occupancy of a country by such an organization as the Hudson's Bay Company could not be promotive of free settlement and colonization. It cannot have escaped notice that, as the "excitement" progressed, the company was deprived of exclusiveness of privilege to trade. Then it was put under the ban of government, and its able chief compelled to renounce all connection with it before he could be intrusted with the administration of the civil government. Strongly, too, was marked the opinion of the eminent colonial secretary, that what might subserve the interests of the Hudson's Bay Company was inimical to the true purposes of government, and to that security of the immunities due to the settler. More recent events show that that great company, once exercising more than imperial power in a vast portion of the North American continent,

never recovered from the ordeal to which it was subjected in 1858, but that it was thereafter divested of all territorial characteristics and proprietary powers; that thereafter it was confined to the enjoyment of the profits of legitimate trade, a mere commercial association. This "excitement" marks the era when that transition commenced, if of itself it did not contribute to or hasten the downfall of that vast controlling power.

Such were the results consequent upon the Fraser river excitement. Its pre-eminent benefit to the Pacific slope is to be found in its powerful invocation to attention to the great Northwest and its growing importance. It attracted to British Columbia and Vancouver Island immigrants from California, Oregon, Washington, the Atlantic states, Canada, Europe, Australia, the Sandwich Islands and the Celestial Empire. As it subsided, it left a colony in a prosperous condition, to whom it had contributed a large population. Greater accessions to the population of Oregon, Washington and California were furnished as the excitement expended its force than had been drawn from those places during its continuance. To the latter it afforded a new and vastly increased demand for her staples, and opened a new and vastly increased field for commercial enterprise. To Oregon and Washington, the same benefits accrued, though necessarily in a less degree. To the whole coast it gave a new vitality. What an impetus it gave to the advancement of the great utilitarian idea of the age,—transcontinental land communication! The states (no longer western), and even the very conservative Canada, yearned for continuity with the great Pacific. The remoteness between the two great oceans lost its ideal significance, while the growing importance of the Pacific slope commanded the attention of the Atlantic states. National ties were extended to and reciprocated upon the shores of the Pacific, and the oneness of our nation intensified. Mountain chains were leveled; and the denizens of the Pacific slope were again brought nearer in feeling to early homes and kindred. The conviction of antipodal distance, the result of education, was removed. Less than ten years before, California had inspired the thought that the Pacific was much nearer what we still call *home* than our generation had learned at school. The Fraser river excitement followed, approximating west to east. In this annihilation of ideal remoteness, in this realization of *oneness* of country, in the triumphant assurance that the Pacific is to become the center of American commerce and empire, how much was contributed by that singular episode, so intimately connected with the territorial development of the great inland empire of Oregon and Washington, the "Fraser river excitement!"

The sixth session of the Legislative Assembly convened December 6th. The Council organized by electing Crumline La Du, of Cowlitz county, president. The House elected Edward S. Dyer, of Jefferson county, speaker. On the eighth, Acting Governor Mason's message was delivered. It opened by contrasting the situation then with the time (1855) he in the same capacity had performed the like duty. An interesting *résumé* of the Fraser river gold excitement and its effects was given, with appropriate comments upon the restrictive policy pursued by the British authorities towards American miners. The renewal, by the Indians of Northeastern Washington, of robberies and murders of miners as they journeyed through their territory *en route* to the northern mines, and the subsequent chastisement of the murdering bands by Colonel Wright, U. S. Army, were recounted, and the gallant services of that distinguished officer acknowledged in fitting terms. There was a hearty approval of the recent creation of the military department of Oregon, because in the vicinage of the region where the presence of troops was required, where duty was to be performed. The problem of transcontinental communication by

rail, and the necessity of building properly located military roads within and to the territory, were descanted upon, and attention thereto requested as proper subjects for memorials. Those treaties, negotiated so long ago by Governor Stevens, remained unratified (1). An urgent memorial was suggested. The legislature advised that General Nesmith, Superintendent of Oregon and Washington, had recommended the establishment of Oregon as an exclusive superintendency; and it was suggested that the Assembly concur in a memorial approving of such recommendation. The recognition and speedy payment of the Indian war debt received proper attention. The resources of the territory, especially its coal and lumber, were portrayed. The progress made in the public surveys, and in the marking of the public boundary, was exhibited by reports from those in charge. The necessity for the creation of additional land-offices to accommodate the extended nature of new settlements received appropriate attention. The legislature was informed of the completion of lighthouses at Cape Flattery, New Dungeness, Shoalwater Bay, and upon Smith's Island in the Strait of Juan de Fuca. An appropriation had been made for a lighthouse on Red Bluff, Whidby's Island, the arrangement for which had been completed to secure its erection in the spring. The governor recommended memorials for additional ones to be placed at Gray's Harbor, and upon the north end of Vashon's Island or at Sandy Point.

At the last session of the Assembly, a joint resolution had passed appointing William Strong, Selucius Garfielde and Butler P. Anderson to compile the laws of the territory and report to the present session. Mr. B. P. Anderson of said commission made a report of his individual labor on the seventh. His work was referred to a special committee who reported, December 16th, that about two-thirds of the compilation had been made, and recommended the continuance of Mr. Anderson at the work for twenty-five days, to report January 20, 1859. At that time, Mr. Anderson submitted his "revision and compilation" to a special committee, to whom the matter had been referred, who reported it to be "an all-sufficient revision and compilation." The special committee were discharged; and Mr. Anderson's work was laid on the table. On the 4th of January, Mr. Maxon of Clark county introduced a Council resolution, stating in its preamble that the resolution of the last legislature had not been complied with, and that Mr. Anderson's work was unauthorized; and, as the territorial treasury might be called upon to pay for such labor, the president of the Council correspond with Mr. Anderson, "asking him to communicate in writing to this body that he will in no event claim of the territory, whether as part of the commission or an individual upon his own responsibility, any compensation from the treasury of the territory."

Later in the session, Public Printer Edward Furste was, by a resolution introduced by Mr. Maxon, asked whether he would print the said Anderson compilation, and in no event look to the treasury of the territory for compensation. In the meantime, the House passed a bill providing for payment for a compilation, which in the Council reached two readings, was referred to the Committe on Ways and Means, reported to the Council without recommendation, and, on being ordered to a third reading on motion of Mr. Maxon, was laid on the table and made the special order for the 4th of February ensuing. Mr. Maxon introduced a bill creating a code commission. One of its provisions was that the parties performing the labor should look to the United States, and disclaim any liability of the territory to pay for the service. That bill failed to pass the House. But few laws were passed of a general nature, though numerous amendatory sections were added to

(1) They were all ratified March 8, 1859. See "United States Statutes at Large," Vol. XII.

existing laws. Several county lines were slightly changed. A number of incorporation acts were passed, among which may be named the "Town of Olympia," the "Cascade Railroad Company," the "Sisters of Charity of the House of Providence." The memorials in the main are such as the governor's message suggested, reaching the establishment of roads, lighthouses and other territorial needs.

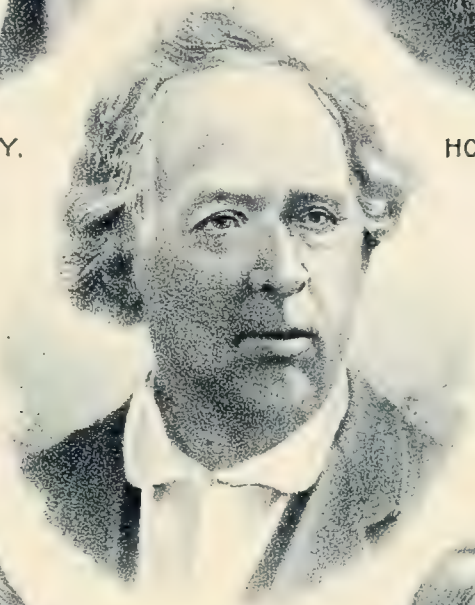
On the 14th of February, 1859, the President approved the Oregon State Admission Bill, whereby the southern boundary line of Washington Territory was adhered to, so far as the same constitutes the northern line of Oregon. The residue of Oregon was formally declared to be a part of the territory of Washington. The area of the territory was thereby greatly amplified, and Eastern Washington extended southward to the forty-second degree of north latitude, embracing within its borders the "South Pass" of the Rocky Mountains, the great doorway of the overland route for immigrants to the Pacific states and territories. Northward it extended to the forty-ninth parallel. It embraced all of Idaho and Montana west of the Rocky Mountains.



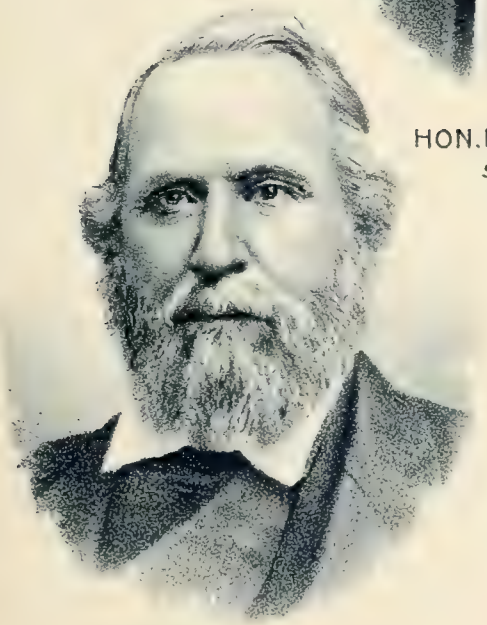
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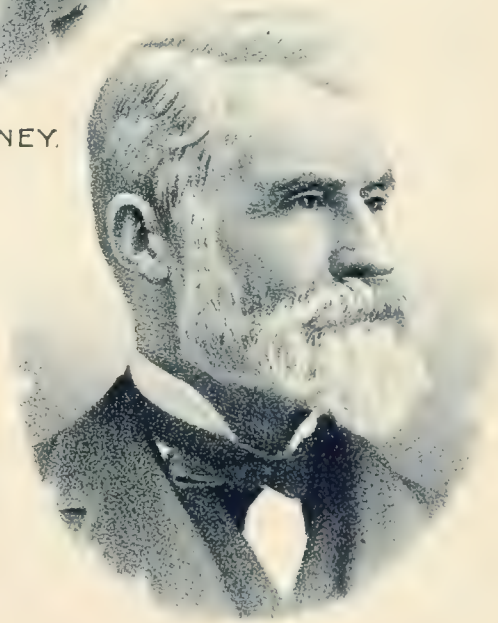
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MONMOUTH OR.



HON. ROBT C. KINNEY.
SALEM OR.



HON B. F. DOWELL.
PORTLAND OR



W. W. PARKER.
ASTORIA, OR.

Chapter L.

(1855–1856.)

The Oregon-Washington Indian Wars — Causes, Immediate and Remote — Race Conflict for Supremacy — Agency of the Treaties — Condition of the Territories as to Defense — Neglect of the Government to Station Sufficient Troops — The "Ward Massacre," 1854 — Indian Outrages Precipitate the War — Murder of Bolon, Indian Agent — Haller's Expedition to the Yakima Country — Official Knowledge of the Hostile Intentions of the Indians — Requisition of Major Rains on the Governors of Oregon and Washington for Volunteers — Response Thereto — Governor Curry's Proclamation Calling for Eight Companies — Officers and Men, First Regiment Oregon Mounted Volunteers — Refusal of Major Rains, U. S. Army, to Furnish to Them Arms, Ammunition and Equipments — James W. Nesmith Elected Colonel — Governor Mason Appoints Major Rains Brigadier-General of Washington Territory.

BEFORE proceeding to detail the operations and acts incident to and the aggregate of which constitute the story of the Oregon-Washington Indian war of 1855–56, a retrospect becomes necessary to ascertain its causes, immediate and remote, and to learn the situation at the time when that cloud of discouragement and temporary disaster so unexpectedly burst upon the exposed and then almost defenseless settlements of both territories. Thus also will be made apparent the difficulties surrounding the problem itself, the necessities for and the justification of that war; and it will be determined which race was really blamable for the war and its consequences.

The Indian war of 1855–56 retarded settlement. For years it deterred many from coming to the territories. It almost entirely checked immigration. During its continuance, and for some time after its termination, the discouragement and loss it had occasioned caused numbers to abandon the territories. At the time of the outbreak in 1855, both Oregon and Washington were in the full tide of hopefulness as to the early future. Business was encouraging. Gold discoveries in the eastern section of the territory, then the all-prevailing incentive to immigration, had commenced to attract attention. Miners from all parts of the Pacific slope were wending their way to the Colvile diggings. The people felt assured at last that gold existed in their midst, and that they were to reap that benefit which would accrue from a gold excitement. They indulged the fond hope, nay, they relied upon the assurance, that there was no danger to be apprehended from the Indians, as they had just concluded treaties of peace and amity. Especially was such feeling as to the future prospects, and as to the peaceable disposition of the Indian population, in the Puget Sound region. There it was, and with the Indians of the interior of Washington Territory and around the valley of the Walla Walla, that the war prevailed with which these pages are to deal. Part of the war ground was within the confines of Oregon Territory.

So far as the Indians not in the hostile parties exclusively making war against the Puget Sound settlements (the Indians of the interior), the problem of safe transit by white men through their territory *en route* to the northern mines was of quite as much interest and importance to Oregon as Washington. Independent, therefore, of the demands of a common humanity, the interests of Oregon were as materially affected as were those of Washington in the attempted closing of the interior, by the hostiles, to the advent of the miner. That vicinage of hostile occupancy and operation cut off travel from The Dalles, obstructed the channels and checked the pursuit of profitable business. It deterred miners from prosecuting their calling. It prevented the settlement and development of a region as beneficial and tributary to Oregon, and quite as much its appanage, as it was to Washington. Hence, independent of former territorial oneness, the present condition of affairs allied both territories in a common interest. The territory of Washington was the site where the blow was struck, the effect of which was as injurious to Oregon as to Washington. True, the territories were separate and distinct. But their people were of the same race; and social ties and business relations existed which to a great extent made them as one. A common cause, a common sympathy and duty, a common interest in the necessity of, and in the opportunity to establish, peace and freedom from danger in that country through which the citizens of both might travel or settle, united the two in a common purpose to prosecute the war, to chastise the murderers of citizens of both territories, and to conquer a lasting peace for the mutual benefit of both.

Again, when that outbreak burst upon the settlements, the United States military commander of the district invited both territories to aid him to protect the settlements (a duty assigned to him which he was utterly powerless to accomplish), called upon both territories, and made them co-operative factors in the prosecution of the war. The *status* was defined by the United States military commander of the district, he admitting his inability to keep the Indians in subjection, by soliciting the aid of the authorities of the two territories. The general government, by its authorized agents, itself is directly responsible for enlisting the two territories and their citizen soldiery in the prosecution of that war. The most immediate cause for the necessity of thus involving those territories in war (or, at least, the statement cannot be gainsaid that such a war might have been avoided) was the supine neglect of the general government, and those intrusted with the defense of the western frontier, to place within the territories the means of protection to the settlements, or a force calculated to overawe the Indians or instill them with respect for the power of the general government. That wily and ever-observant race, who never failed to take advantage of the weak, fully appreciated the insignificance and utter weakness of the forces which had been stationed within the lines of the settlements to keep quiet and peaceable the hordes of Indians west of the Rocky Mountains, and who here and there had been restless and troublesome from the time that American settlement had been initiated. Tribes of them in many localities never had been peaceably disposed; and it was necessary to closely watch them all.

The following is a faithful picture of the situation. The two territories embraced the region westward of the Rocky Mountains lying between the forty-second and forty-ninth parallels of latitude, containing an area of nearly 300,000 square miles. In this empire in extent, the white population was perhaps 40,000, of which number 5,000 were resident in Washington Territory, or that portion north of the Columbia river. The white settlements were isolated, and scattered from the California line northward to Bellingham Bay. In Washington Territory, there were perhaps 1,600 men capable of bearing arms;

in Oregon, perhaps 8,000. The Indian population numbered 20,000 in Washington Territory, and was but little less in Oregon. In the vicinity of the Columbia river, on both sides, the hostile bands were principally located east of the Cascade Mountains. On Puget Sound and in Southern Oregon, the white settlements were in close proximity to, and surrounded by, the hostile bands of Indians.

Military posts had been established, and United States troops stationed throughout this wide domain, as follows: At Fort Steilacoom, two companies of infantry, 152 men; Fort Vancouver, two companies of infantry, 194 men; Fort Dalles, three companies, two of infantry and one of artillery, 231 men; Fort Lane (eight miles from Jacksonville), two companies of dragoons, 115 men; Fort Orford (Port Orford), one company of artillery, 47 men; a total of 741 men.

A glance at the map—as to the extent and topography of the territory; the sites of the settlements; the points of location of the military posts; the number of troops in garrison, and the arm of service to which the companies respectively belonged; the hostile region and the number of hostile Indians—must at once force the conviction that, for the purpose of holding the Indians in proper subjection or repressing any outbreak of refractory tribes, such a military establishment was utterly useless. The commanding general of the department was at Benicia, many hundreds of miles from the scene of trouble, he who was responsible, from the fact that the territory and its settlements were entirely unprovided with the means of defense; for he it was who had made that distribution of the United States troops.

Such was the defenseless condition of the territories. Such was their weakness; and their escape from a ruthless war of extermination did not depend upon the ability to cope with the hostiles, but from the fact that the Indians themselves, who thoroughly appreciated the weakness of the Whites, could not banish the jealousies existing among themselves,—their suspicions towards each other arising from their naturally perfidious disposition. Treachery was the pre-eminent characteristic of those Indians. They were intelligent and full of cunning and resource; nor did they lack physical courage, though they always sought the advantage, and depended more upon ambushing their victims than on open, manly warfare. There remains no doubt of the fact, for it is abundantly corroborated by Indian testimony obtained since the cessation of hostile operations against them, that at intervals reaching back years anterior to the diabolical massacre of the peaceable inhabitants of Whitman's missionary station, and at various points in the entire region from the California line to the northern boundary, plots were made and schemes were planned looking to a grand combination of all the tribes, to strike simultaneously at the exposed settlements, to murder isolated men, to cut off small parties, to exterminate the Whites as far as practicable, or at all events to create such a terror on their part that they would leave the country and deter others through fear from coming, and would thereby retard American settlement and civilization.

This scheme, urged by the malcontents at the councils at the very time that they were assembled and consenting to make treaties of friendship with the Americans, and which had been canvassed for years previously, failed in great measure because the strike was premature, the plan not completed. The intention existed to strike along the whole line simultaneously. While the race generally, and with few exceptions, intended so to act, while all were cognizant of the movement projected, some withdrew at the last moment, betrayed their people and their plans, and sought to be longer fed and clothed by the government rather than go into the field and fight the Americans. The government

gladly accepted that alternative; for it was cheaper to feed than fight those who were willing to be fed. But the greater cause for the scheme having been only partially carried into execution is found in the very nature of the Indians themselves. Their disposition absolutely prevented even a hearty and thorough alliance between separate bands of the same tribe or nation, much less between separate and distinct nations. Mutual distrust kept them aloof from any harmonious action. False themselves to every trust, they doubted each other; and their combinations were neither cordial nor lasting.

Limited space forbids, except in a general way, illustration of the clashings of the two adverse civilizations, the latent but all-powerful and ever-continuing irrepressible race conflict. Perhaps it were better to have said the conflict between our so-called civilization and (as we assume to style it) their barbarism. In the same region, both cannot survive. The assertion cannot be successfully controverted that American settlement cannot be made except by the occupancy of American territory by Americans, and the subsequent dedication of it exclusively to American civilization. Such is the general proposition, the great provoking cause, of the conflicts which are ultimately settled by the "survival of the fittest." American appropriation means Indian exclusion. That it was the purpose of Infinite Wisdom that this continent should become the abode of civilization, the arts and Christianity, can hardly be disputed; and all must admit that this march of civilization, in the appropriation of the wilderness for its benign purposes, necessitates the conflict between that race who were content that it should remain in primeval desolation, and the advancing race whose mission is to spread the benefits of civilization. The first—savage, without culture, without ambition—would not have that wilderness transformed. The other, with all the appliances of civilized life, obedient to destiny, drives before it the savage, levels the forest, and at one and the same time banishes the savage himself and the game upon which he subsists. As a necessity, the Indian must retire before the advancing settlements or be absorbed, himself merged into the advancing column.

If it be wrong or criminal to subdue the earth and replenish it; if it were a wrong to have established upon this continent the United States of America; if it be wrong to go forth and preach the gospel unto every people,—then is American colonization wrong,—American civilization the greatest of wrongs. This whole nation should have been left as it existed, prior to the discovery by Columbus of the New World. However much it is to be regretted, howsoever unfortunate that such transitions of the wilderness and barbarous regions must be necessarily accompanied by such conditions, yet Indian wars are but the essential concomitants of American settlement, the necessary evil from which untold good emanates. It measurably, however, removes the asperity of such cruel fact by the remembrance that the Indian himself has invariably selected the time when he would provoke the exercise of such necessity. He has always been allowed to prepare himself for his arraignment in hostility to the further advance of civilization. He strikes and strikes only when his victim is found to be defenseless, when settlements or settlers can be surprised, overpowered and are unable to resist. To him the advancing race has always magnanimously accorded the place and time for the commencement of hostile operations, and only accepted the dread alternative of subjugating him for self-protection. So it was especially the case in the Indian war in Oregon and Washington in 1855.

It would be but an idle task to sum up the occasional acts of individual outrage committed by both races through all those years since American settlement commenced west of the Rocky Mountains. Those predatory acts were local. Like a local disease,



S.R. GEDDIS,

ELLENSBURGH, W.T.

they needed only local treatment, and in almost every instance were matters for summary settlement. The Indian war of 1855 was wide-spread and pervading. While many causes might be suggested as affecting the Indian mind and provoking hostility to American occupancy of the country; while it was precipitated by the perfidy of Indians who just before had joined in treaties to allure the white race into a belief of their security; while those very Indians went to that council to begin war there by the murder of the commissioners,—yet that war, so far as the Indians were concerned, was made on their part, not because of any personal outrages committed by Whites, not because of any injustice sought to be inflicted by virtue of those treaties, not because the terms of the treaties were unsatisfactory, but solely because it was the Indian purpose to exterminate the white settlements, to force the white race to abandon the territory. That war on the part of the Indians is perhaps sanctioned by what may be called patriotism. If merit it had, then is that merit obliterated by the perfidious cruelty which marked its declaration and commencement by them.

On the part of the people and the authorities of the territory, the Oregon-Washington Indian war resulted from repeated and unprovoked outrages which were committed by savages upon unoffending and defenseless white men, women and children. The causes or the commencement should occasion no self-reproach nor shame to the people of either territory. In no respect were any citizens of those territories the aggressors. No act of their citizens nor of their officials provoked hostilities. There was no cause of complaint by the Indians; nor were they afforded a shadow of justification for that outbreak of perfidy and hate during the summer and fall of 1855. The only offense of the Oregon and Washington pioneers, in the Indian estimation, was that as American citizens they were in the country. That presence, lawful in itself, was to the Indian a standing menace that others of that race would follow them. The war was initiated by the native population to discourage immigration or American occupancy. Forced upon our people, it was prosecuted by them solely to hold the country for our race, to protect the settlements, and to effect a peace which would be lasting, and enable the white population then in the country, and those who should come thereafter, to remain in safety. That conflict, so unexpected to the American settlers, and for which they were so illy prepared, may have been hastened by the negotiating of the treaties, and the events which so quickly followed,—events which could not have been anticipated by any, either Indian or White, who participated in those negotiations. In no sense, however, were those treaties the cause of those hostile feelings which brought about the war.

With the purest of motives, for what was deemed the best interests of the Indian, to avoid all occasion for difficulties between the citizens and settlers which might lead to war, those treaties had been negotiated. By them the Indians were necessarily advised that those lands over which they had theretofore roamed were thereafter to be appropriated for American settlements. While it is true that those treaties were gratuitous promises to pay the Indians liberally for what they only nominally owned, still soon must follow that necessary sequel, though consented to by them, that the advance of settlement would necessarily circumscribe the area of their roaming haunts, and possibly restrict them to reservations. Those treaties also provided for a metamorphosis of Indian nature, obliterating his very identity,—civilizing him. Malcontents who had opposed the treaties, who merely attended the council in the expectation that it would culminate in the murder of the few Whites who attended the commissioners, jealous of Americans entering the territory, kept alive the discord. The predictions were made that, upon the

sale of those possessory rights by the Indians, the Whites would come in great numbers and fill up the country. The representations were made, which many pretended to believe, that they (the Indians) would be shipped on steamers to a sunless country. Orators inflamed their prejudice against the American race. The incoming of settlers, the spreading out of settlement consequent upon the belief that the Indians were friendly, the travel of miners through their country to newly discovered gold mines, all gave color to those insidious appeals. The faith was created: "White occupancy means Indian extermination." The predictions of the malcontents were apparently fulfilled. Those Indians who had been peaceably disposed were imbued with doubt. "Words replete with guile, into their hearts too easy access won." They had become enemies.

Since American colonization began, Indian wars have thus been inaugurated. Indian disaffection has been accompanied with treacherous and perfidious murder by them of unsuspecting and unarmed victims. Exposed and defenseless settlements have been surprised and the inhabitants mercilessly sacrificed, regardless of sex or age. The war of 1855 was no exception in the long array of Indian rapine and cruelty. It was precipitated by the murder of a confiding, unsuspecting Indian agent in the performance of official duty, in the act of intended friendship; and also by the murder and mutilation of a number of miners who were peaceably traveling through the Yakima country, as they journeyed alone at a distance beyond any white settlements in pursuit of a legitimate vocation, which meant no offense to any Indian, and was not a trespass on any territorial right of that people. The lurking and illy concealed disaffection at the Walla Walla grand council in May, 1855, the sullen resentment at times apparent among that vast assemblage of five thousand Indians, the machinations of malcontents and marplots, were fed and stimulated in the caucuses held during the recesses of its meeting by the unforgiving and relentless Cayuses and Walla Wallas, who yet remembered their chastisement in the Cayuse war; and the disaffected Yakimas joined in the intended conspiracy. True, a treaty of amity and friendship was signed in June; yet during the negotiations, and up to the very night before the signing, those active plotters and conspirators had labored assiduously to defeat the acceptance of the treaties by the assembled tribes. They sought to array all present in a grand combination, and to commence their work of murder on the council ground by slaying the commissioners and the small party present, and to continue their work by a simultaneous blow at the white settlements while they were unprepared for attack. Such at least is Indian testimony, as reliable as any which can be obtained from such a source, and in this instance, however, abundantly corroborated by events which so shortly followed. To effect such a combination, to accomplish their purpose, the war orators made the assertion that the sale of their country to the Whites, as they were wont to term the objects of the treaties, would be followed by the immediate white occupancy of the territory; that the Americans would pour into the country in greater numbers than ever; that the United States troops would be used to force the Indians upon the reservations and confine them there as in a prison, while the Whites would occupy the whole country.

The illustration was at hand to support those insidious appeals to native prejudice. It was co-existent with the meeting of that great council. It had been furnished by United States troops from Fort Dalles marching through their country *en route* to punish those of their race who had sought to stay the tide of immigration, who had resisted the further coming of Whites to the country, who had participated in that soul-sickening horror, that brutal carnival of blood, the "Snake River Massacre" of August 20, 1854.

In May, 1855, a force of United States troops had been sent out to the Snake country to protect the immigrant route from Fort Hall westward, as also to punish those who had committed those murders in the previous year. Indeed, one of the stories most successfully used during the interval between the signing of the Walla Walla treaty and the initiation of the series of murders in the Yakima country in the late summer of 1855, by the preachers of the crusade against the white settlements, and to keep alive the disaffection and stimulate the uprising of the Indians, was the arrogant and boasting rumor that Major Haller and his command had been cut off and murdered by the Snake Indians.

The "Snake River or Ward Massacre" of 1854, and those operations of the United States military authorities in the department of the Columbia consequent thereupon, greatly contributed to the creation of an unsettled feeling by the Indians in the upper country. Those acts were inseparably connected with other cotemporaneous incidents which were successfully referred to by the war-inciting orators to provoke Indian prejudice. They constituted the premises for insidious appeal. They furnished the causes of alleged grievances with which those orators inveighed against the further encroachment of Indian country by the presence of their white invaders. They were most successfully used to intensify disaffection,—to array in open hostility the tribes of Eastern Oregon and Washington.

That lamentable and most horrible massacre by the Snake Indians of innocent and inoffensive men, women and children, who had never meditated offense (the legitimate out-cropping of Indian perfidy and hate), was heartily approved by the other tribes. The attempt of the United States troops acting in concert with the settlers and immigrants to punish it, and to prevent a recurrence of like outrages, had engendered the feeling of resentment in the whole race. Other tribes might not actively ally themselves in resisting that chastisement which the Snakes had so justly invited; but the murderous Snakes had the sympathy of all the Indian population of the great interior, regardless of tribal relations or past tribal jealousies or differences. About that, the fact had been made apparent to the Indian mind of all the nations, tribes or bands inhabiting the whole region, that United States troops were present in the country to force the Indians to submit to its occupancy by the Whites, nay more, were to be used to guard the routes by which the immigrants came, and thus encourage greater numbers year after year to come and fill up the country. Thus the orator for war was furnished with all-sufficient proof to sustain his appeals. His theory that the extermination of the Whites was essential to Indian autonomy was thoroughly supported by that illustration.

What is usually known in history as the "Snake River Massacre," though called the "Ward Massacre" quite frequently to distinguish it from a similar catastrophe which occurred several years later, occurred on the 20th of August, 1854, upon the south side of Boise river, twenty-five miles above Fort Boise. The effective and wise Indian policy of the Hudson's Bay Company had rendered the country in the vicinity of Forts Hall and Boise perfectly safe for travel by white men so long as the Indians were aware that that company was present in the country. For years the immigrant wagon trains, and even small parties, had journeyed through the country without occasion for fear of Indians, and entirely escaping molestation from the natives. Such was the conduct of little parties in the year 1854; and seldom was any provision made against attack or depredation by Indians. The Ward party consisted of Alexander Ward, his wife and seven children, Dr. Charles Adams and brother, Samuel Mulligan, William Babcock, Mrs. William White and child (she was the wife of William White, a resident of Looking Glass Prairie, Douglas

county), John Frederick, Rudolph Shultz, Mr. Ames and a Frenchman, name unknown (1), with five wagons, forty head of cattle, six head of horses and the usual outfit and property of such a train of immigrants. Reckless of danger from Indians, they pursued their journey without precautions for defense in the event of an attack. Their arms were rusty and useless from continued neglect and disuse. In fact, they were no better off than if they had been entirely without weapons.

They were suddenly attacked by a band of Winnass Indians (a tribe of the Shoshone or Snake nation) numbering thirty warriors, and were entirely unprepared to make any, and in fact made no, real resistance. Newton, a son of Mr. Ward, aged thirteen years, was the only survivor. From his statement it would seem that only Dr. Adams and Mr. Mulligan had made any struggle with the Indians; and that at the very outset the rest of the men were killed by their savage foe. Newton had been severely wounded, but succeeded in reaching the bushes, where he lay concealed until rescued by the small party of immigrants who heard the firing and hastened to the assistance of the Ward party. The eldest Miss Ward, who had attempted to escape by flight, was pursued; and she made such resistance that the enraged Indians shot her in the head. The murderous wretches then set fire to one of the wagons, heated an iron and with it mutilated her dead body. With the surviving women and children and four wagons, the Indians started for their camp upon the Boise river about a mile distant. When they had reached the bush, they burned up three wagons. Having outraged Mrs. White in the most horrible manner, they shot her in the head and instantly killed her. Mrs. Ward and three small children were placed in the last remaining wagon, taken to the Indian camp only to be subjected to such torture as an Indian only can conceive. The three children were put in the wagon, and it set on fire. The children by their hair were held across the burning wagon and slowly charred to death, their mother being compelled to stand and witness their agony. Having been subjected to the same cruel penalty which Mrs. White had suffered, she was then dispatched by a blow from a tomahawk.

Another party of immigrants were traveling sufficiently near to hear the firing, and to learn that an Indian attack had been made upon some of their number. A volunteer party of seven headed by William Yantis hastened forward, and seeing the Indians engaged in robbing the wagons charged upon them; but their numbers were insufficient to contend with the Winnass band, which numbered about thirty. In that struggle, a young man named Ammen was killed. Two days later, John F. Noble, who was at Fort Boise on his way to the states, led a party of eighteen volunteer immigrants to the site of the massacre. They found the bodies of Alexander Ward and his eldest son Robert, Mulligan, Adams, Babcock and Schultz at the place of the first attack. Young Ammen's body was found some three hundred yards distant. One hundred yards further on, they found the mutilated corpse of Miss Ward, shot through the head; and the evidence was manifest of the unspeakable outrages committed on her person. Not far distant, three wagons had been burned. Near at hand was found the mutilated body of Mrs. White. Across the river was the camp, which indications established had consisted of sixteen brush lodges. Among the *débris* of that camp was found the body of Mrs. Ward, tomahawked and mutilated, and near her the charred remains of her three little children, murdered by that slow fire in her agonized presence. The fate of the other four children, and John Frederick and the unknown Frenchman, never have been ascertained. The Indians could not be seen anywhere; but signs indicated their flight to the mountains.

(1) House Miscellaneous Documents, Thirty-fifth Congress, second session, No. 47, page 58



HON. P. PAQUET,

OREGON CITY, OR.

Noble and his party buried the mangled and mutilated victims of Indian atrocity, and forwarded by express the news to Fort Dalles, which reached there August 28th. On the next day, Major Haller, U. S. Army, organized a force numbering twenty-seven privates, together with himself, Lieutenant MacFeely and Surgeon George Suckley, who were joined by a company of thirty-seven volunteers, settlers and immigrants commanded by Captain Nathan Olney, Lieutenants Orlando Neal and J. A. Staley, all under the command of Major Haller. They reached Fort Boise September 11th, and were joined on the twenty-ninth by Lieutenant Day and fifteen troops, Third Artillery, U. S. Army.

On the 12th of September, the volunteers captured four Indians. They were placed in charge of Lieutenant Neal and six men, and in endeavoring to escape were shot. On the fifteenth, Major Haller with his force moved to the Payette river, and captured five empty lodges and several packs of dried salmon. The friendly Indians who had accompanied as guides found, in *caches*, articles which had been stolen from the Ward party. On the discovery of the Indian camp, Olney, with the volunteers, captured an old man, who proved to be head chief of the Winnass Indians, a squaw and three children. On the next day, the regulars surprised a lodge of Winnass Indians, killed two, and captured three squaws with several horses and a quantity of provisions. The command then returned to the Boise river, and made a night attack on a village of Indian lodges; but the Indians had a few hours previously made a hurried escape. The Haller expedition then marched thirty-five miles beyond Fort Boise, and went into camp. A scouting party on the 21st of September met a small party of immigrants headed by a man named Jeffreys. He informed them that Indians were following his train, and had threatened to attack it. The soldiers charged upon the pursuing Indians, who retreated. A horse was captured, but no Indians were killed. The soldiers continued the pursuit, and captured eight of the savages, who were summarily tried by a military commission, condemned and executed on a gallows erected on the Indian camp ground where Mrs. Ward had been so cruelly murdered, and her children burned to death. As the Jeffreys party were the last of the "immigration of '54," Major Haller with his command returned to The Dalles, without having lost a single man in the expedition.

During the following May (1855), General Wool, U. S. Army, commanding the Department of the Pacific, ordered Major Haller, Fourth Infantry, U. S. Army, with a detachment of one hundred and fifty United States troops, rank and file, to Fort Boise and vicinity to guard the immigrant road (1). Nathan Olney, Indian agent, accompanied the expedition. The command of Major Haller reached Fort Boise July 15th. The next day a council of the Indians of the vicinity was held. Two hundred were present, of whom sixty-five were warriors. While the council was being held, four Winnass Indians came in to witness the proceedings. All were arrested as soon as the council was through. One of them made a confession, naming the actors and detailing the circumstances of the Ward massacre, and volunteered to conduct the command to the camps of the Winnass tribe, where the murderers were concealed. He then broke from his guard; and the sergeant shot him as he attempted to escape by the river. The three others were tried by a board of officers, convicted and sentenced to be hanged at the place where they had committed their horrible crime. The day after the trial, the command marched to the scene of the tragedy, dug a large grave, and in it deposited the remains of the victims of the massacre, which had been disinterred by the coyotes. They then erected a gallows, and upon it hanged at one time the three Winnass Indian murderers of the Ward party.

(1) Letter of General Wool, commanding Department of the Pacific, U. S. Army, in report of the Secretary of War [illegible] Message and Documents, 1855-56, page 78.

A day or two later, the bodies were taken down and buried. The gallows was allowed to stand for the good it had done, and to warn other Snake Indians of the punishment which should be visited on the murderers of immigrants.

The command then marched to the great Camass Prairie, thirty-five miles from the crossing of Malade river, and over sixty miles beyond Fort Boise, where a camp was found. From there, escort was furnished to one train to Fort Boise. Detachments were sent to Salmon Falls, and to other points where immigrants were expected to pass. Major Haller went about one hundred and fifty miles beyond Fort Boise. The command remained in the country until late in September, when the immigration of 1855 was through, and then returned to Fort Dalles.

Details of the murders in the Yakima country have been given in the preceding chapter, as also of the immolation of Sub-agent Bolon by the direction of Kamiakin, head chief of the Yakima nation. Immediately on the receipt of the intelligence of those murders, Major Haller, U. S. Army, left The Dalles on the 3d of October, 1855, with one hundred men for the Yakima country, intending to effect a junction with Lieutenant Slaughter, U. S. Army, who, with forty United States troops, had left Fort Steilacoom September 27, 1855, for the Yakima country, via Nahchess Pass. The orders of Major Haller were to demand the murderers of Bolon, and chastise the Yakimas.

On the 6th of October, while descending a long hill in an open country, and approaching a stream whose banks were covered with oak trees and thick undergrowth, the advance guard discovered the Indians in their front. At some distance on a bluff, a chief appeared and harangued his warriors, who responded with the warwhoop. The position of the Indians had been determined by the sound. The advance guard was drawn in, the rear guard closed up, and the battle commenced. The loss at that point was one soldier killed and seven wounded. War parties of Indians had been constantly arriving, considerably augmenting their numbers. Captain Russell's company being on the left, descended the hill, and turned the right flank of the Indians in the brush. After a vigorous charge, the Indians fled. It was dark before the wounded had been collected. The command then advanced about a mile, and on ascending a height the Indians could be heard at a short distance. From the guide it was ascertained that they were preparing for an attack. No attack however was made until daylight. Major Haller's position was susceptible of defense, but destitute of wood, grass and water.

On Sunday, the seventh, Major Haller's little force was surrounded by about seven hundred Indians, who during the day were reinforced by accessions of bands to the number of fourteen hundred. Major Haller then sent to The Dalles for the reserve force of forty-four men under Lieutenant Day, Third Artillery. The troops maintained their position all that day, and, by repeated bayonet charges, kept off the Indian skirmishers. Up to Sunday night, the loss had been two soldiers killed and thirteen wounded. The return to The Dalles by a night march was then determined upon. The rear guard had become separated from the advance; and a halt to rest the men was made on the summit of the mountain. Major Haller's force now numbered forty effective men. On the morning of the eighth, they resumed their march for The Dalles. A running fight ensued. Before sundown, the Indians were again charged and driven out of the timber, after which the troops were not molested. The total loss on that expedition was five soldiers killed and seventeen wounded. The rear guard, which had taken another trail, arrived at The Dalles without molestation. Major Haller with his advance reached Fort Dalles on the morning of the tenth, with his wounded and baggage.

Lieutenant Slaughter having learned of the reverse of Haller, and that he had returned to The Dalles, recrossed the Cascade Mountains and fell back to a prairie on White river, to await further orders and for reinforcements.

The repulse of Major Haller by the Yakimas was doubtless the chief moving cause which impelled Major Rains, commanding the military districts of the Columbia river and Puget Sound, to make requisitions upon the two governors, Curry of Oregon and Mason of Washington. But it is interesting to chronicle that this hostile state of feeling of the Indians was thoroughly known by the United States officials at the time, and that the utter deficiency of means upon the part of the United States military departments to punish the murderers, or protect the settlements, was also officially acknowledged by the highest military authorities.

On the 12th of October, 1855, U. S. Indian Agent Olney, writing from Walla Walla, thus officially advised Governor Curry:

"I beg to draw your attention to the fact that all the Indians north and south of the Columbia, this side of the Nez Perces and Spokanes, have either commenced open hostilities upon the Whites, or are concentrating their forces for that purpose. I just arrived at this place this morning from The Dalles, and find the most alarming state of affairs as to the friendly relations heretofore existing between the Americans and Walla Wallas, Palouses, Umatillas and Cayuses. I am doing all in my power to check the gathering storm; but I fear nothing but a large military force will do any good towards keeping them in check. The regular force now in the country I do not consider sufficient for the protection of the settlers and the chastisement of the Indians. One thousand volunteers should be raised immediately, and sent into this part of Oregon and Washington territories. Delay is ruinous. Decisive steps must be immediately taken. They must be humbled; and in all conscience send a force that can do it effectually and without delay. These Indians must be taught our power. The winter is the very time to do it."

Again, on the 1st of November, 1855, U. S. Indian Agent Nathan Olney apprised the governor of Oregon:

"The Cayuses are determined upon war. They are only waiting for the young men that are out in the buffalo country. They expect the Nez Perces and Spokanes to join them. I am more and more inclined every day to the belief that the Spokanes, Nez Perces and Cayuses will go to war with us as soon as they can fix it."

Here is the official testimony of Isaac I. Stevens, Governor of Washington Territory, and then superintendent of Indian affairs:

"In the summer of 1855, the general impression in both territories was that there was little to fear of war. The Indians had been more or less disaffected for a long time; but treaties had been concluded, with which they pretended to be entirely satisfied; and the feeling of confidence on the part of the settlers followed. In the spring of 1855, both Colonel Bonneville, in command of the Columbia river district, and Major Rains, in command of The Dalles, came to the conclusion that the Walla Walla chief, Peu-peu-mox-mox, ought to be seized and put in confinement on the ground that he was getting up a general Indian war; and he would have been seized and put in confinement but for the pursuasion of myself and other officers in the Indian service who discredited the reports and had confidence in the chief. Previous to my going to the Walla Walla council (May, 1855), word was sent to me by Rev. Father Ricard, then superior of the missions in the Yakima and Cayuse country, that the Yakimas, Cayuses

and Walla Wallas would attend the council with a hostile purpose, and that I would go there at the hazard of my life. I had warning from various other sources; but the council had been called, and I went there in good faith. We were in council fourteen days,—in friendly council and converse with the chiefs and the great body of the people of all those tribes. All those chiefs who afterwards took to arms were in my camp, and sat at my table during those fourteen days. General Joel Palmer, Superintendent of Indian Affairs, and myself, were the commissioners; and, with the Indian agents and a few employés and fifty soldiers to preserve order on the council ground, we met there fifteen hundred warriors. It is ridiculous to talk of our using threats and bringing force to bear to get them to yield to our terms. The record speaks for itself. The commissioners have no reason to be ashamed of it; nor has the government reason to be ashamed of it."

About the same date, November 3d, General Wool, the commander of the Department of the Pacific, acknowledged: "In Washington Territory there appears to be an extensive combination of hostile tribes, which a check unfortunately given to Brevet Major Haller with a small command may possibly cause to extend to yet other tribes. The Yakimas, Walla Wallas, Klikitats, Des Chutes and Cayuses are doubtless in arms. They have been excited by fears at seeing their country rapidly filling up with settlers and miners, lest their fate shall be like that of the California Indians, and hope to exterminate the Whites at a blow."

On the 9th of October, Major Rains, in command at Fort Vancouver, upon the application for reinforcements, made requisition upon Governor Mason for two companies of volunteers, each to be composed of one captain, one first lieutenant, one second lieutenant, two musicians, four sergeants, four corporals, and seventy-four privates. Captain Maloney, in command of Fort Steilacoom, was ordered to take the field immediately with all his disposable force. Governor Mason, by proclamation of October 14, 1855, called for two companies, one to rendezvous at Olympia and one at Vancouver. By the terms of the governor's proclamation, the Washington volunteers were to be mustered into the service of the United States.

Major Rains, on the 9th of October, also addressed to Governor George L. Curry an official communication, in which the following language occurred (1):

"We have just received information from Brevet Major Granville O. Haller, who was ordered into the Yakima country, with a force consisting of five officers, one hundred and two men, and one mountain howitzer, on the third instant. He states that he fell in with the enemy on the afternoon of the sixth instant, and commenced an action with them in the brush on the Pasco river; and that, after fighting some time, he drove them at the point of the bayonet, and has taken possession of the heights surrounding that river. He was surrounded, and has called for a reinforcement. This morning, Lieutenant Day, of the Third Artillery, U. S. Army, leaves Fort Dalles to join Major Haller's command, with about forty-five men and one mountain howitzer.

"As commanding officer, I have ordered all the United States disposable troops in this district into the field immediately, and shall take the command. As this force is questionable to subdue these Indians, the Yakimas, Klikitats and some smaller bands, I have the honor to call upon you for four companies of volunteers, composed, according to our present organization, of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians and seventy-five privates. This number of companies is just enough for a major's command, and would authorize that officer

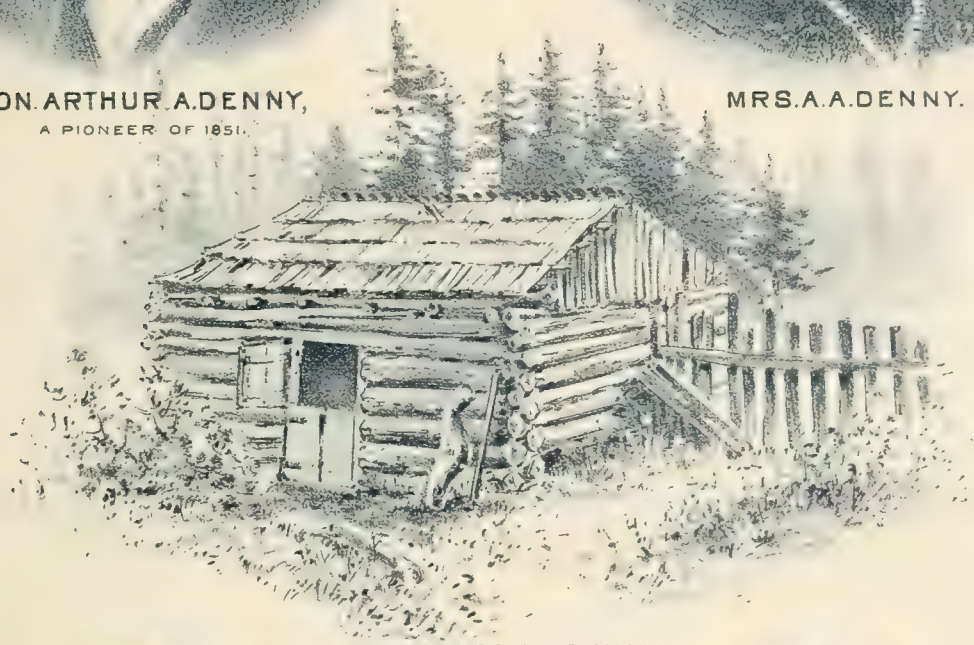
(1) Annual message of Governor George L. Curry, December 17, 1855, and accompanying document, page 30.



HON. ARTHUR A. DENNY,
A PIONEER OF 1851.



MRS. A. A. DENNY.



LOG CABIN OF A. A. DENNY,
AL-KI POINT, W. T.
(ERECTED NOVEMBER 1851.)



DAVID T. DENNY.



MRS. D. T. DENNY,
SEATTLE, W. T.

also. We have only arms enough at this post for two companies; so it is advisable to have two of the companies come armed with rifles or such arms as can be best obtained. We have plenty of ammunition, however. As celerity is the word, we want as many of the volunteers as can be immediately obtained to rendezvous at this post, and proceed with the troops to Fort Dalles. They can be mustered here."

On the 11th of October, Governor Curry issued the following proclamation: "Whereas, certain Indians have been guilty of the commission of criminal offenses, and have combined, and are now engaged in hostilities that threaten the peace and security of the frontier settlements; and the chief in command of the military force of the United States in this district having made requisition upon the executive of this territory for a volunteer force to aid in suppressing the attacks of said hostile Indians, I issue this my proclamation, calling for eight companies of mounted volunteers, to remain in force until duly discharged, each company to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, and sixty privates. Each volunteer, if possible, is to furnish his own horse and equipments. Each company is to elect its own officers, and rendezvous, without delay, on the right bank of the Willamette, opposite Portland, where they will be mustered into service on reporting to the adjutant-general of the territory. The following-named counties are expected to make up the number of men wanted; and, in order to facilitate operations, the subjoined-named gentlemen are respectfully requested to act as enrolling officers in their respective counties: Multnomah county, one company, Shubrick Norris; Clackamas county, one company, A. F. Hedges; Washington county, one company, W. S. Caldwell; Yamhill county, one company, A. J. Hembree; Marion county, one company, L. F. Grover; Polk county, one company, Fredk. Waymire; Linn county, one company, S. S. Helm; Wasco county, one company, O. Humason. The last-named company will organize at The Dalles, and report in writing to the adjutant-general.

"Our fellow citizens who may be in possession of arms, rifles, muskets and revolvers are most earnestly desired to turn them over to Assistant Quartermaster-General Albert Zeiber, or his agents, in order that they may be appraised, and supply a deficiency that is most seriously experienced."

On the thirteenth, the Multnomah company, having become full, elected A. V. Wilson captain. Governor Curry directed him: "At once you will proceed to Fort Vancouver for the purpose of receiving arms, ammunition and equipments. * * * You and your command will be mustered into the service of the United States. This step, as I am informed, will be required by the officer in command at that fort before you can there be supplied with arms. You will bear in mind that the governor of this territory is made by law the commander-in-chief of the forces raised or to be raised in Oregon; and that you are and will be subject to my orders as the commander-in-chief."

Of even date, a requisition by the governor of Oregon was made on the commanding officer at Fort Vancouver for arms, ammunition and equipments to make up any deficiency, and to facilitate the dispatch of the march of the company to the scene of Indian hostilities. It having become known that such arms would not be supplied unless the company was mustered into the service of the United States, and amenable to the commands of the officers of the U. S. Army, Governor Curry held a consultation with James W. Nesmith, Brigadier-General, and E. M. Barnum, Adjutant-General, the result of which was the modified order of same date to Captain Wilson: "You will bear distinctly in mind that your command you will not suffer to be mustered into the service of the United States.

If Lieutenant Withers will furnish you with arms, by your giving a receipt therefor, do so. If he will not furnish you with arms, etc., without your command first being mustered into the United States service, you will in such case refuse to do so, and await further orders from me, at Vancouver. If I have to furnish you with arms, I will do so at the earliest possible moment. Send me a report immediately, as to the number of your command and the arms in possession thereof. By the *Eagle*, to-morrow morning, I will send you arms and ammunition for your command, with further orders" (1).

The companies composing the First Regiment of Oregon mounted volunteers called into service by Governor Curry's proclamation were mustered as follows (2):

Company A: Captain A. V. Wilson, ninety-seven men, rank and file, enrolled October 13th, Multnomah county; Lieutenants, B. M. Harding, Charles B. Pillow. Company B: Captain O. Humason, sixty-five men, enrolled October 18th, Wasco county; Lieutenants, John T. Jeffries, James McAuliffe. Company C: Captain James K. Kelly, ninety-three men, enrolled October 15th, Clackamas county (Captain James K. Kelly was elected lieutenant-colonel, October 30th, and was succeeded by Captain Samuel B. Stafford); Lieutenants, Dolphes B. Hannah, Joseph A. Pownall and Charles Cutting. Company D: Captain Thomas R. Cornelius, one hundred men, enrolled October 15th, Washington county (Captain Cornelius was elected colonel, December 21, 1855); Lieutenants, Hiram Wilbur, W. H. H. Myers and John H. Smith. Company E: Captain A. J. Hembell, ninety-nine men, enrolled October 15th, Yamhill county; Lieutenants, John P. Hibbler and John H. Smith. Company F: Captain Charles Bennett, eighty-one men, rank and file, enrolled October 15th, Marion county (Captain Bennett was killed in battle, December 7, 1855, and was succeeded by First Lieutenant A. M. Fellows, elected captain); Lieutenants, A. M. Fellows, A. Shephard and Richard A. Barker. Company G: Captain A. N. Armstrong, one hundred and four men, enrolled October 15th, Polk county (Captain Armstrong was elected major, October 30th, and was succeeded by Captain Ben Hayden); Lieutenants, Ira S. Townsend, Francis M. P. Goff and David Cosper. Company H: Captain Davis Layton, seventy-four men, enrolled October 17th, Linn county; Lieutenants, A. Hanan and John M. Burrows (Second Lieutenant Burrows was killed in battle, December 7th). Company I: Captain Lyman B. Munson, seventy-one men, enrolled October 20th, Benton county; Lieutenants, Smith Suard and Charles B. Hand. Company K: Captain Narcisse A. Cornoyer, thirty men, enrolled October 30th, Marion county; Lieutenants, Antoine Rivet and Thomas J. Small. (This company was raised for scouting service.)

On the 30th of October, the following-named officers of the First Regiment were chosen: James W. Nesmith, Colonel; James K. Kelly, Lieutenant-Colonel; A. N. Armstrong and Mark A. Chinn, Majors; William H. Farrar, Adjutant; Robert Thompson, Quartermaster; Shubrick Norris and John F. Miller, Commissaries; and W. H. Fauntleroy, Assistant Quartermaster.

A reference to the muster rolls and returns will show that, upon the 20th of October, 1855, there were enrolled 763 men, rank and file; upon November 20th, 756; upon December 20th, 607; upon January 20th, 1856, 577; upon February 1st, 901; upon February 20th, 746; upon March 20th, 739; upon April 20th, 694; upon May 20th, 130; upon June 20th, 113; upon July 20th, 130; and upon August 20th, 8.

(1) See "Governor Curry's Message and Documents," December 17, 1855, page 33.
(2) See "Governor Curry's Message and Documents," Registry of Commissioned Officers, page 145.

Great difficulty was experienced in procuring arms, ammunition and equipments, excepting horses, which were quite abundant. Arms were borrowed of the citizens; and horses, stores, supplies and the necessary equipments were purchased on credit. Although Major Rains' requisition called for men to be mustered into the United States service, the Oregon volunteers determined to maintain their own identity, and be subject to the command of their own officers. In the language of Governor Curry in his order to Colonel Nesmith: "You will, so far as practicable, act in conjunction with Major Rains, chief in command of the United States troops, and, at the same time keeping your command a distinct one, afford him a cordial co-operation."

The Washington Territory Volunteers had been mustered into the service of the United States. James W. Nesmith commanded the Oregon regiment with the rank of Colonel. The highest ranking officer of the regulars was Gabriel J. Rains, a major. In this condition, to avoid complication as to the relations of the two regiments, each to the other, and to the United States military commandant of the district, upon whose requisition the volunteers had been called into service, Acting Governor Mason commissioned Major Rains Brigadier-General of Washington Territory Volunteers.

Chapter LI.

(1855–1856.)

Condition of Washington Territory at the time of the Outbreak — Company A, Washington Territory Volunteers, Reports to Captain Maloney, U. S. Army, Fort Steilacoom — Captain Maloney's Expedition towards the Yakima Country — Killing of Moses and Miles — Company B, Captain William Strong, Reports to Major Rains — Uprising of Indians on the Sound — Captain Eaton's Company of Rangers — Killing of Lieutenant McAllister — Captain Eaton's Command Besieged — Massacre of Families on White River — War Policy Established — Hostile Ground Defined — Battle with Hostiles on White River, November 3d — Killing of John Edgar — Disposition of Forces by Captain Maloney, U. S. Army — Night Attack by Hostiles — Killing of Lieutenant William A. Slaughter, U. S. Army, and Two Corporals, by Kanaskut — The Steamer "Active" Cruises near Steilacoom — Return of Governor Stevens from Blackfoot Council — Hostility of General Wool to the People and Authorities of Oregon and Washington.

BEFORE passing to the narrative of events, a recurrence to the condition of the territory becomes interesting. The hitherto uniform and peaceable character of the Indians, the contempt or pity indulged by the settlers for their weak, forlorn and destitute condition, the fact that they had so recently and so cordially entered into the treaties, ceding their title to the lands with the accompanying pledge that they would live in friendship with the Whites, had created the feeling of perfect security in our recognized superiority; and the idea was contemned that there could by any possibility be any cause of dread or apprehension from such an enemy. The territory was illy supplied with arms and ammunition. The necessary supplies to maintain either offensive or defensive war were almost entirely lacking. Such weapons as had been in the country had been carried off by the miners; and, without a thought that they would be so soon required, but few had refurnished themselves. On hearing the news from the Yakima county, on being apprised of the real danger which surrounded the settlements, and in fact within our very midst, the reaction at once carried the people to the other extreme; — the situation amounted almost to a "stampede." Too late to prevent its first unfortunate consequences, the fact was apparent that an Indian war existed; that we had to combat an enemy whose power to inflict injury was not to be despised, who had to be chastised, who had to be taught submission.

The company of volunteers enrolled at Olympia, in response to Governor Mason's proclamation (Company A), elected Gilmore Hays, Captain, Jared S. Hurd, First Lieutenant, and William Martin, Second Lieutenant. That company reported to Captain Maurice Maloney, Fourth Infantry, U. S. Army, in command at Fort Steilacoom, on Saturday, October 20th. On Sunday, the twenty-first, Company A, Washington Territory Volunteers, started for the Yakima country via the Nahchess Pass. Lieutenant Slaughter,



HON. JOHN HOBSON,

ASTORIA, OR.

with forty United States regulars, was encamped on White river prairie where, upon the twenty-first, he had been joined by Captain Maloney with seventy-five United States infantry. They remained there until the twenty-fourth, at which time, Captain Hays' company of volunteers having come up, the expedition, under command of Captain Maloney, U. S. Army, marched to the Nahchess river, which they reached on the 28th of October. At that point, Captain Maloney remained to recruit the animals. He sent in an express to Lieutenant Nugen, U. S. Army, in command at Fort Steilacoom, that the delay in the march of the troops from Fort Vancouver, the reliably reported heavy force of the hostile Indians in front, the alarming character of the reports in the rear as to the disaffection of the Puget Sound Indians, and the actual outbreak of many since the troops had left Fort Steilacoom, had occasioned him (Captain Maloney) to determine upon returning with his command to the west of the mountains to protect the Puget Sound settlements. The express party to Lieutenant Nugen consisted of A. Benton Moses, Joseph Miles, George R. Bright, Dr. Matthew P. Burns, Antonio B. Rabbeson and William Tidd. On Wednesday, October 31st, the party were fired upon from an ambush near White river; and Messrs. Moses and Miles were instantly killed. Upon the recovery of their bodies they were found shockingly mutilated. After severe suffering and hardships, the surviving members of the party succeeded in reaching the settlements.

Equal promptness had been displayed in raising the second company of volunteers, ordered by Governor Mason's proclamation to report to Major Rains, U. S. Army, at Fort Vancouver. That company (Company B) elected William Strong (late Associate Justice of the Supreme Court of Oregon), captain. A company of volunteers, commanded by Captain Robert Newell, consisting of trappers and others well acquainted with the country, had been raised about the same time for scouting purposes in the vicinity of Fort Vancouver, and had been accepted into the service of the United States. Upon the withdrawal of the troops from Fort Vancouver, the citizens organized a company of fifty men at Vancouver for home defense, of which William Kelly was elected captain.

The threatening condition of affairs on Puget Sound foreshadowed by Captain Maloney's dispatch to Lieutenant Nugen had been fully realized. No sooner had the force under Captain Maloney left Fort Steilacoom for the Yakima country, than the Indians west of the mountains evinced unmistakable evidence that they were disaffected, that they were well apprised of the movements of the hostile Yakimas, and in close communication with them. Those facts prompted Acting Governor Mason, on the 19th of October, to authorize Captain Charles H. Eaton to raise a company of rangers. The conduct of Leschi and Quiemuth and their bands of disaffected Nisquallys had rendered necessary such action. The company was fully organized (forty-one strong), elected him captain, James McAllister, James Tullis and Alonzo M. Poe lieutenants, and took the field on the 24th of October. Captain Eaton had come to Oregon in 1843, and was thoroughly acquainted with the country and with the Indians. No wiser selection, considering the peculiar duties imposed, could have been made. James McAllister, First Lieutenant, was an old citizen and pioneer of Thurston county (1844). Captain Eaton was instructed to divide his company into three parties and scour the whole country along the western base of the Cascade Mountains between the Snoqualmie Pass and the Lewis River Pass of the Cascades, and intercept communication between the Indians west of the Cascades and the Indians east. He was especially enjoined to notify all Indians found upon the line of march to remove west to the shores of Puget Sound; and upon their willingness or refusal so to remove was to be determined their friendly or hostile disposition.

On the 28th of October, Captain Eaton having received news that Leschi, with a large party of Indians, were fishing twelve miles distant on the White river, at the crossing by the military road from Fort Steilacoom to Fort Walla Walla, Lieutenant James McAllister applied for permission to make a friendly visit to them, which was granted. He was accompanied by Mr. Connell and two friendly Indians. The whole party were treacherously killed by a band of the hostiles led by Quiemuth long before reaching Leschi's camp. About an hour after Lieutenant McAllister had left camp, Captain Eaton, accompanied by James W. Wiley (1), made a reconnaisance of a slough lying ahead about three-quarters of a mile, which had to be passed *en route* to White river. Upon returning, and before they had reached the house which his small command (now reduced to eleven) occupied, several shots had been fired by the hostiles. Captain Eaton at once abandoned the house (that of Charles Baden, and built of thin cedar boards), and fell back to an Indian log cabin, in which had been stored a quantity of oats, wheat, peas, salmon skins and berries. A log Indian barn looking to the eastward was demolished to insure safety; and the cabin was additionally fortified, as far as practicable. The baggage was transferred from Baden's house. The horses were picketed about two hundred yards to the northward of the cabin, and a water cask brought from the house and filled. At sundown the Indians attacked the cabin in force, and kept up a constant fire until after two o'clock, and at intervals thereafter during the remainder of the night. The horses of the command were all stolen by the Indians. On the next morning, Captain Eaton strengthened his position. At eleven o'clock, an express from Fort Steilacoom, *en route* to Captain Maloney's camp, three in number, came into the fortification. Eaton's gallant little band maintained their position for one hundred and one hours without losing a man, and then effected their escape to Steilacoom. It is not known what was the loss of the enemy. Indian testimony, however, has fixed the number of Indians killed at seven.

On the 22d of October, Governor Mason called for four additional companies, to be considered "a reserve force," and liable at any moment to be called into the field. The call of the executive was promptly responded to; and the various settlements erected blockhouses, and otherwise placed themselves in a posture of defense. James Tilton was commissioned as adjutant-general of the volunteer forces. To avoid complications as to rank between the regiment of Oregon volunteers commanded by Colonel Nesmith, and the regulars commanded by Major G. J. Rains, U. S. Army, the latter was appointed brigadier-general of Washington Territory Volunteers by Acting Governor Mason.

Corroborative of the fact that a general combination of Indians had been formed against the settlers of the Sound was the horrible massacre of a number of families upon White river, in King county. Christopher C. Hewitt, afterwards chief justice of the territory, captain of the company raised at Seattle, in a letter dated November 5th, in that county, thus communicated the sickening intelligence: "We started Monday morning (October 29th) for the scene of action. After two days' hard work, we made the house of Mr. Cox, which we found robbed. We next went to Mr. Jones', whose house had been burnt to the ground; and Mr. Jones, being sick at the time, was burnt in it. The body of Mrs. Jones was found some thirty yards from the house, shot through the lower part of the lungs, her face and jaws horribly broken and mutilated, apparently with the head of an axe. The bones of Mr. Jones were found, the flesh having been roasted

(1) James W. Wiley was editor of the *Pioneer and Democrat*, published at Olympia, long the only newspaper printed within the territory. He was a zealous advocate of the division of Oregon Territory, which resulted in the establishment of the territorial government of Washington, and was a member of the Monticello convention, November 25, 1852, called to promote that object. He served three years as a member of the territorial Council. He died at Olympia, March 30, 1860, in the fortieth year of his age.

and eaten off by hogs. Mr. Cooper, who had lived with Mr. Jones, was found about one hundred and fifty yards from the house, shot through the lungs. After burying the bodies, we proceeded to the house of W. H. Brown, a mile distant. Mrs. Brown and her infant, apparently ten months old, we found in the well, the mother stabbed in the back and head and also in the lower part of the left breast, the child not dressed, but no marks of violence noticeable upon it. Mr. Brown was found in the house, literally cut to pieces. We next went to the house of Mr. King, or to the site of it, for it had been burnt to the ground. Mr. Jones and the two little children were burnt in the house; and the body of Mr. King, after being roasted, had been almost eaten up by hogs. Mrs. King was some thirty yards from the house. She had been shot through the heart and was horribly mutilated. Three children were saved, one the son of Mr. King, and two of Mr. Jones."

The territory of Washington had reached a critical period in its history. An active enemy was in the field composed of malcontents from a number of the tribes. It was not known, nor could it be ascertained, to what extent the disaffection existed. Governor Mason and Colonel Simmons, Indian Agent, at this time inaugurated a war policy, which had for its object the segregation of the friendly Indians, or those who had not yet joined the hostiles, and their separation from those who were in the field. The war was declared to be a war against the Indians who located upon the east side of the Sound, who disregarded the protection of the government, who refused to come in upon the reservation,—against the hostile Indians, or those who had chosen to stay on ground declared to be hostile and under the interdict of military operations. A numerous corps of sub-agents were appointed to collect all the Indians at convenient localities upon the west side of the Sound. To this policy, successfully carried out, more than to any other agency, were the people of the Sound country indebted for the checking of the Indian outbreak, the circumscribing of the war limits and the lessening of the number of hostiles. Had not this been done, nothing possibly could have averted a general Indian war.

It is proper to chronicle the embarrassments of the volunteer service. The people at this time were almost without arms and ammunition. The authorities were unable to arm the volunteers who were ready to serve. In this exigency, the executive department made requisitions on the military posts of Fort Steilacoom and Fort Vancouver. Those posts were almost as indifferently supplied, and could not issue either. Failing there, Governor Mason called upon Captain Sterrett, of the U. S. sloop-of-war *Decatur*, then lying at Seattle, and upon Captain W. C. Pease, of the revenue cutter *Jefferson Davis*. The prompt, generous and hearty co-operation of both those gallant officers entitled them to the lasting gratitude of the people. Captain Sterrett purchased at his own risk, and upon his private credit, all the arms which could be procured in the town of Seattle, and liberally furnished all the arms which could be spared from his ship. He also stationed Lieutenant Drake and a boat's howitzer at Seattle, to assist in the defense of that place, procured and mounted a twelve-pounder, and, having left an abundance of ammunition, he started for a cruise upon the Sound.

Captain Pease of the revenue cutter was equally zealous. He supplied a considerable number of small arms, 350 rounds of musket cartridges, and two twelve-pounders with fixtures complete, together with a large quantity of ammunition. These guns were mounted on the stockade in the town of Olympia, where they continued until the cessation of hostilities west of the mountains. He also tendered a detachment of twenty men well armed to be landed on notice at any point, to assist the land forces. The services of

Lieutenant Harrison of the *Jefferson Davis* are worthy of especial notice. He was present and behaved with great gallantry in the action on Green river on the 6th of November, 1855.

The co-operation of James Douglas, Governor of Vancouver Island, at this trying juncture, cannot be too highly commended. He sent to Olympia the steamer *Otter* (1), which cruised the whole length of Puget Sound, to exhibit to the Indians that, in a war against the Whites, they could not expect the sympathy of the Hudson's Bay Company. In his response to Governor Mason, he aptly remarked: "The moral effect of the steamer *Beaver's* visit to the Sound will be powerfully felt by the native Indian tribes, and may contribute, in some measure, to confirm their wavering loyalty, and to detach them from the general Indian confederacy. Again, I most cordially acknowledge the moral obligations which bind christian and civilized nations to exert their utmost power and influence in checking the inroads of the merciless savage; and it is a matter of infinite regret on my part that our means of rendering you assistance come infinitely short of our wishes."

Governor Douglas also transmitted fifty stands of arms (half of all they had for the defense of the colony at Victoria), ten barrels of gunpowder and a large supply of ball.

On the 3d of November, 1855, a decisive engagement was fought upon White river. The force engaged consisted of fifty volunteers under Captain Hays and fifty regulars commanded by Lieutenant Slaughter. The Indians, numbering from one hundred and fifty to two hundred, commenced the attack; and one of the regulars was shot dead. The fight lasted from nine o'clock A. M. until three P. M. The estimated Indian loss was thirty killed and a number wounded. The loss in Captain Hays' command was one killed and one wounded. The river was so swollen that the troops could not cross on the same day. Next day a detachment sent by Captain Maloney overtook Captain Hays' command on the opposite side of Green river. The Indians, not being disposed to make a protracted resistance, retreated. Two of the troops were wounded. The Indian loss is unknown. Active operations in that region against the hostiles were almost impracticable, owing to the high state of the rivers.

On the 6th of November, Lieutenant Slaughter's command, in crossing the Puyallup river, was attacked from an ambush. John Edgar, acting as guide, was mortally wounded and died shortly afterwards. The same shot severely wounded Addison Perham. Andrew J. Burge, a pioneer of Pierce county, was also badly wounded. On coming out to South Prairie, Corporal Magek, a regular, was wounded by a buckshot. Captain Maloney then established himself at Camp Montgomery.

The volunteer forces had been so augmented that they had amounted to a regiment, yet were never organized as such. Several companies, in addition to Companies A and B and the Puget Sound Rangers, Captain Eaton, had been enrolled, and had been accepted by Governor Mason. Those companies had been mustered into the regular service, but furnished their own horses. The other companies had been especially raised and accepted for "home defense." But all were subject to be called into active service in the field, upon emergency; and several of them as entire companies, and detachments from each, were actively and continuously in the field during their terms of enlistment, "for three months unless sooner discharged." They were thus classed upon the muster rolls of the First Regiment of Washington Territory Volunteers:

(1) On the 6th of November, 1855, Governor Douglas addressed a letter to Adjutant-General Tilton, stating that, on the arrival of the *Beaver*, she should be sent. The *Otter* arrived at Fort Victoria before the *Beaver*; and she was dispatched November 19th.



JOHN E. BROOKS,
McMINNVILLE, OR.

Company C: Captain George B. Goudy; infantry; Olympia; seventy men, rank and file. Many of this company were constantly detached for field service. Company D: Captain William H. Wallace; infantry; Steilacoom; fifty-five men; constantly in the field as a company. Company E: Captain Isaac Hays; mounted; Thurston county; forty men; furnished their own horses, and were much of the time in field service. Company F: Captain B. L. Henness; mounted; Mound Prairie, Thurston county; sixty-three men, rank and file; furnished their own horses; in active field service. Company G: Captain McCorkle; infantry; Cowlitz county; twenty-two men; blockhouse defenses. Company H: Captain Christopher C. Hewitt; Seattle, King county; infantry; seventy-five men, rank and file; in continuous active service in the field. Company I: Captain Isaac N. Ebey; infantry; Lower Sound; eighty-four men; performed much active and detached service in the Lower Sound and Snohomish country. Company J: Captain A. Plummer; infantry; Port Townsend; twenty-nine men; garrison duty at Port Townsend. Company K: Captain John R. Jackson; mounted; Lewis county; thirty-six men; scouting service. To the foregoing must be added: The Cowlitz Rangers: Captain Peers; mounted; Cowlitz Landing; thirty-nine men; active scouting service. And the detachment of ten men, known as Sergeant Packwood's squad, mustered as the Nisqually Ferry Guards; on constant duty guarding that ferry, and keeping open communication between Olympia and Fort Steilacoom; an arduous and dangerous post. Though later called into service, there must not be omitted: The Stevens Guards, commanded by Captain William Huggins; twenty-five men; mounted. The Spokane Invincibles: Captain Benjamin F. Yantis; twenty-three men. And the Nez Perce volunteers, Chief Spotted Eagle's command, seventy in number, who escorted the governor from Hell Gate to the camp of the Oregon Volunteers. The three companies last-named were improvised to escort Governor Isaac I. Stevens through the hostile country upon his return from the Blackfoot council, and continued in service until the disbandment of the First Regiment.

The whole country between Cowlitz river and the Sound had been deserted; and the inhabitants had taken refuge in stockades and blockhouses. By special orders of Captain Maloney, U. S. Army, in command of the forces operating in the Puget Sound region, the following disposition had been made: Lieutenant Slaughter, Company C, Fourth Infantry, accompanied by Lieutenant Harrison of the revenue service and fifty men, marched to White and Green rivers. Captain Hewitt, Company H, Washington Territory Volunteers, proceeded up White and Green rivers and placed himself in communication with Lieutenant Slaughter. Captain Wallace, Company D, Washington Territory Volunteers, was stationed on Puyallup river, keeping up communication with Lieutenant Slaughter. Captain Hays, Company B, Washington Territory Volunteers, proceeded to Nisqually river and Muck Prairie.

Upon receiving advices from Major Rains of the Indian outbreak, General Wool had ordered Captain E. O. C. Ords' company, Third Artillery, to reinforce Major Rains. Captain Edward Fitzgerald's company, First Dragoons, from Fort Lane, and Captain E. D. Keyes' company, Third Artillery, were ordered from the Presidio to push northward with all haste to the seat of war. At the same time, requisition was made by the commanding general on Washington City for an additional regiment for duty on the Pacific coast. Responsive to this request, the Ninth Regiment was ordered to California in December, 1855. Early in November, General Wool, with Major E. D. Townsend, Major Cross, Major Lee, Captain Cram, Captain Keyes and Captain Reynolds, came to Fort Vancouver on the steamer *California*, Captain W. E. Dall. Company M, Third Artillery, U. S.

Army, Captain Keyes, destined for Fort Steilacoom, together with two thousand stand of arms, were also aboard. Captain Keyes thus described the crossing of the bar of the Columbia river on that voyage:

"We arrived off the mouth of the Columbia river in the afternoon; and, although a fierce wind had covered the whole bar from shore to shore and for several miles up and down with a white foam, it was decided to cross at once. There happened to be a pilot on board; and he and the captain stood together on the bridge. The head of steam was increased to secure steerage way in the billows; and we moved up against a strong ebb tide at a fine rate of speed till we reached about midway of the passage, when a flue collapsed, drove all the burning coals from under one of the boilers and set fire to the ship, which immediately lost headway so much that she ceased for a moment to obey her rudder. The pilot lost courage, exclaimed "she's a goner!" and started down the bridge. Captain Dall instantly resumed command, and called out to the firemen to feed the remaining fires with lard and tallow. After a few seconds, the ship began to move forward; and, at the end of an hour, we were anchored off Astoria. When the steamer lost headway, the lead showed a draught of water almost exactly corresponding with that of the vessel; but fortunately she did not ground. If she had struck, not a soul on board could by any possibility have been saved. Some of the soldiers, as they saw the pilot quitting his post, came to me in terror and asked what they should do. I replied, 'Take hold of that hose and let us put out that fire in the hold.' I carried the end of the hose down the steps as far as I could breathe. The men pumped; and in a short time the flames were extinguished. General Wool was perfectly calm, as were the other officers; but it is certain that none of us ever escaped a greater danger than on that occasion; and such was the opinion of the eight or ten shipmasters who were among the passengers. Captain Dall's intrepidity was the admiration of every man on board the ship.

"From the Columbia river, General Wool ordered me to proceed on another transport to Steilacoom, and assume command of the Puget Sound district. I arrived there on the 24th day of November, 1855, and found a condition of wild alarm. Many families had been massacred; and the surviving settlers were all collected in the small towns. There were only two skeleton companies of regular infantry and a few companies of volunteers in the district; and they were widely scattered. Lieutenant Slaughter, with one company, guarded a stockade at the mouth of the Puyallup; and I arranged an interview with him with the aid of a friendly Indian. I went out twenty miles from Fort Steilacoom and conversed with him across the river, which was so deep and rapid that my volunteer messenger, after delivering my note to Slaughter, lost his horse in returning, but saved himself" (1).

On Saturday, the twenty-fourth inst., Company C, Fourth Infantry, under command of Lieutenant W. A. Slaughter, and the Pierce county volunteers, Company D, numbering forty-five men, Captain W. H. Wallace, left Camp Montgomery for the Puyallup and White rivers. On the march to the Puyallup, fresh tracks of Indians were discovered, leading both up and down the river. No Indians, however, were seen. That night they camped on Bitting's Prairie, one mile from the Puyallup river. During the night, everything remained quiet. The next day (Sunday) Lieutenant McCaw, Company D, Washington Territory Volunteers, was sent to the "Stuck" settlement with sixteen men. They found there the houses of Messrs. Kincaid, Woolery and McCarty burnt to the ground.

(1) "Fifty Years' Observation of Men and Events," by E. D. Keyes, Brevet Brigadier-General U. S. Army, Major-General U. S Volunteers, page 257.

The grain, except some taken from the barn of Mr. Morrison, remained untouched. The houses that were not burnt were built of square timbers, and could easily be made defensible. The house of Robert S. Moore, a lieutenant of Company D, Washington Territory Volunteers, was found broken open, and everything taken. There were no signs of Indians on the march or at Stuck river. At half-past ten o'clock that night, Mr. Hall, of Captain Wallace's company, on duty as sentinel, had his attention attracted by the snorting of a pack animal, picketed thirty yards from the camp. It was very foggy; and nothing could be seen. He ran immediately to camp, and gave information that the Indians were stealing the animals. A rush was made by a number of men to the place where the animals had been picketed; and a number were missing. The guard, numbering twenty men, under Sergeants Tootwiler, of Lieutenant Slaughter's company, and Byrd, of Captain Wallace's company, pursued about a mile to the house of Mr. Lemmon, firing at intervals. At Lemmon's place, unmistakable evidence was furnished that a large body of Indians were in the vicinity; and the guard hastily retraced their steps to camp. During the balance of the night, the yells of the Indians were incessant. The number of hostiles immediately about the camp was afterwards ascertained to have been three hundred. Much that they said was distinctly understood; and one squaw, known to be a female from the voice, was repeatedly heard urging them on in the most vehement manner. They were commanded by Kitsap and Ka-nas-kut, who led the Klikitats, and Quiemuth and Klow-ow-it, chiefs of the Green river and White river Indians. The next morning (Monday), about nine o'clock, E. G. Price, a recent volunteer in Captain Wallace's company, after cooking breakfast, went down to the creek about three hundred yards from camp to wash. Upon starting to return, he was shot in the back by a musket ball.

On Monday at two o'clock, Lieutenant McKeever, U. S. Army, reached camp with a detachment of twenty-five men from Captain Keyes' company of artillery. On Monday night, Messrs. Lemmon, Pierce and Fosher volunteered as picket guard. About two o'clock, one of the inside sentries had fired at an Indian, but missed him. As he ran from camp he was shot by Lemmon and was killed. During the whole of the night, sentinels were continually firing at the Indians. Few shots, however, were returned by them.

In the night-attack upon Lieutenant Slaughter's and Captain Wallace's camp, the Indians succeeded in driving off thirty-two horses and mules,—a great misfortune at that juncture. Thirteen of these animals belonged to the volunteer company. On the receipt of the news, Captain Keyes ordered Captain Hays to march to the support of Lieutenant Slaughter. Captain Henness, Company F, Washington Territory Volunteers, with twenty-five men, was left in the neighborhood of the Nisqually river. Captain Keyes took the field in person November 27th, leaving Captain Maloney, with one hundred men, in command of Fort Steilacoom. After the engagement on White river, the Indians had separated into small bands, but were now regaining confidence, and were concentrating.

On the 4th of December, Lieutenant Slaughter, on his march from the Puyallup to the forks of the White and Green rivers, had encamped on Brannan's Prairie and occupied a small house built of logs. At about seven o'clock in the evening, Lieutenant Slaughter, Captain Hewitt, Lieutenant Harrison, and Dr. Taylor of the navy, being engaged in conversation, a band of hostile Indians, under command of Kanaskut, fired a volley at the house and through the door. One ball passed through the breast of the gallant Slaughter; and he fell dead without a groan. The Indians continued the firing until after ten o'clock,

killing Corporal Barry of Company C, Fourth Infantry, and Corporal Clarendon of Company D, Washington Territory Volunteers, and severely wounding six of the men, one of whom died within a day or two.

It was the fortune of the writer of these annals to have enjoyed the intimate personal acquaintance of the late Lieutenant Slaughter. His death was certainly one of the saddest events of that war. He was a native of Kentucky, born there in 1827. In 1844, he entered the military academy at West Point from Indiana, being then a resident of Lafayette, in that state. He graduated in 1848, and entered the army as a brevet second lieutenant, Second Infantry, serving first on the commission to run the boundary between the United States and Mexico. Promoted to the Fourth Infantry, he returned to the states again, coming in 1852, with his regiment, to the Pacific coast. He was stationed at Fort Vancouver a short time, and in 1853 was ordered to Fort Steilacoom. As an officer, he was brave to a fault. As an Indian campaigner, he had been remarkably successful. No man had more endeared himself to his command. None had a more happy faculty of inspiring men with enthusiasm. Small in frame and delicate in person, his powers of endurance were wonderful. He had led almost all the expeditions to check the Indians during his stay in the country, and had been actively in the field from the commencement of hostilities till he met his untimely death. Brilliant he was as a soldier; and, as the citizen, he had rendered himself equally dear to the people of the territory in which he had been assigned to duty. In the walks of social life, who that enjoyed his friendship or acquaintance can ever forget him?

It was a homely phrase which Captain Keyes adopted to close his report of that sad event, and yet how true and suggestive: "My heart is sick when I reflect that so brave an officer and so gallant a gentleman should be slain by the wretched savages." The Legislative Assembly in session at the time of his death passed resolutions expressing the feeling of the territory in the irreparable loss, and adjourned in honor to his memory. He was buried at Fort Steilacoom on the 9th of December, with appropriate masonic and military honors.

The success of the Indians in that last attack, and the unfavorable condition of the country at that season of the year for operations against the Indians, occasioned the temporary withdrawal of the United States troops from the field.

On the 17th of December, the U. S. surveying steamer *Active*, Commander James Alden, arrived at Steilacoom with a large supply of arms, ammunition and stores. She was stationed at or near Steilacoom, and co-operated with the land forces, and in the transportation of troops and supplies. The fact that a large number of Northern Indians in the Sound country about that time had recently committed numerous depredations, and excited considerable alarm, rendered the presence of that steamer an opportune occurrence.

On the night of the 5th of January, 1856, Leschi, the Nisqually chief, who had led the enemy west of the Cascades, with thirty-eight warriors visited the Indian reservation opposite Steilacoom, and endeavored to incite the friendly Indians there collected to join the hostiles. Captain Keyes immediately sent an express to Captain Gansevoort of the *Decatur* (who had superseded Captain Sterrett, the latter having been placed on the retired list), to send boats. At request of the same officer, Dr. Tolmie dispatched the Hudson's Bay Company's steamer *Beaver* (then at Fort Nisqually) to Steilacoom, which was sent at daylight on the sixth, with Captain Maloney and thirty men, to the reserve. Judge Lander, *aide-de-camp* to Governor Mason, with the rank of Lieutenant-Colonel, Washington Territory Volunteers, accompanied the expedition. Mr. John Swan, who



DANIEL JOHNSON,
LA FAYETTE, OR.



MRS. ELSINA JOHNSON,
LA FAYETTE, OR.



HON. JOHN BIRD,
LA FAYETTE, OR.



JAMES JOHNSON
LA FAYETTE, OR.



MRS. JULIETT JOHNSON,
LA FAYETTE, OR.

was in charge of the reservation Indians, had been unmolested, and on the arrival of the steamer off the reserve came aboard alone. Leschi and his party, well armed, lined the beach. The *Beaver* had no guns which could cover the landing of Captain Maloney's force, and had but one boat capable of landing more than four or five men at once. Under such circumstances it was found impracticable for Captain Maloney to accomplish anything; and the steamer returned to Steilacoom. Leschi continued there some thirty hours after the steamer left, and then left for the Puyallup.

On the 19th of January, 1856, Governor Stevens arrived from the Blackfoot council. Much anxiety until very recently had been felt for his safety; and his return was hailed with great enthusiasm (1).

The terms of enlistment of the troops called into service by Governor Mason were about to expire. The two companies on the Columbia river, Company B, Captain Strong, and the company of scouts, Captain Newell, had been disbanded by General Wool. Grave difficulties had occurred between the commander-in-chief of the Pacific Division and Governors Stevens and Curry. The troops of Oregon had never been mustered into the United States service; but those of Washington had been. General Wool had, in a manner most insulting, humiliating and degrading, ignored the authorities of both Oregon and Washington. Through private pique, malignity or envy, or all combined, he had refused to furnish an escort or guard to insure the safety of Governor Stevens, an United States commissioner, through the hostile Indian country. The time had therefore come, either for the territories to protect themselves or abandon the field and trust entirely to General Wool, who, judging from the *animus* so manifestly displayed in his every report made to the War Department, was not as much interested in punishing the Indians and securing peace as he was in seeking to bolster up libelous and slanderous charges he had originated against the people of Oregon and Washington territories.

(1) The incidents of Governor Stevens' return from the Blackfoot council to Olympia will be found detailed in a subsequent chapter introductory to the campaign of the Second Regiment, Washington Territory Volunteers. They are inseparably connected with those causes which fully warranted Governor Stevens in organizing the Washington Territory Volunteers as an independent factor in the war, and in refusing to allow them to be mustered into the service of the United States while General Wool was commander of the Pacific Department, U. S. Army.

Chapter LII.

(1855–1856.)

Operations on the Columbia River, and in the Yakima and Walla Walla Country — Force of Troops and Volunteers at Forts Vancouver and Steilacoom — Estimate of Number of Hostiles — Major Rains and Colonel Nesmith Move into the Yakima Country — Battle of the "Two Buttes" — Colonel Nesmith's Requisition on General Wool for Arms, etc., to Reinforce Major Chinn — Lieutenant-Colonel Kelly's March to Walla Walla — Battle With the Walla Wallas — Death of Peu-peu-mox-mox — Colonel Nesmith Resigns — Thomas R. Cornelius Elected his Successor — The Oregon Volunteers go into Winter Quarters at Walla Walla — Campaign in the Yakima Country — Disbanding of the Regiment of Oregon Mounted Volunteers.

IN A REPORT dated November 17, 1855, made by Lieutenant Withers, Fourth Infantry, he numbered the force (mustered into the United States service) in Washington Territory as follows: *Major Rains' command:* 480 regulars (20 dragoons included); 62 volunteers, Yakima, Captain Strong, mounted, Company B, First Regiment, Washington Territory Volunteers; 50 volunteers, Yakima, Captain Newell, mounted; total, 592. *Steilacoom command:* 168 regulars, Fourth Infantry; 54 regulars, Third Artillery, Captain Keyes, U. S. Army; 84 volunteers, Puget Sound, Captain Hays, mounted, Company A, First Regiment, Washington Territory Volunteers; 84 volunteers, Puget Sound, Captain Wallace, mounted, Company D, First Regiment, Washington Territory Volunteers; total, 390. *Recapitulation:* Regulars, 702; volunteers, 280, all mounted.

This estimate does not include the volunteer companies accepted by Governor Mason for local defense. The Indian war had become general. A combination of so formidable a character had been made by the tribes for purposes of hostility to the Whites, that those best acquainted with the Indian character were loth to believe and could not realize it. East of the Cascade Mountains, every tribe in Washington Territory except the Flatheads, Spokanes, Pend d'Oreilles, and a portion of the Nez Perces, were in the field; and, of those tribes named, many of the young men had joined the camps of the hostiles. The lowest estimate of those engaged in the war placed the number at three thousand warriors.

Pursuant to the policy adopted by the Indian Department of collecting friendly disposed Indians on the reserves, disarming and feeding them, Lieutenant Withers ordered the band of Klikitats, living at the mouth of the Cattapootle river opposite St. Helens, to come into Vancouver and encamp under surveillance of the garrison. On the 9th of November, these Indians, evidently more frightened than with the design of hostilities, decamped and fled. Captains Strong and Newell, with a force of thirty men, were detailed to pursue and bring them in. They overtook them encamped on a prairie about thirty-five miles north of Vancouver; and, after a short parley, the Indians agreed to return.

Umtuts, their chief, starting to come in alone, was waylaid and murdered by his own party. The reason assigned for the slaying was that he had persuaded the Indians to flee from Vancouver.

As before stated, the Oregon Volunteers had been called into service upon a requisition made by the U. S. military commander of the Districts of Columbia river and Puget Sound, the condition of which was that they should be mustered into the United States service. That condition subjected those volunteers to serving under the orders of Major Rains, who had made the requisition. That intended arrangement had been ignored by the Oregon territorial and military authorities. When the volunteers had reached Fort Dalles, Major Rains refused to accept the services of more than the four companies that he had requested by his letter to Governor Curry; and he also declined to furnish arms, ammunition or equipments, excepting to such as should be regularly mustered into the United States service. Upon being assured that such position would not be departed from by Major Rains, Colonel Nesmith addressed the following letter to Governor Curry:

"I arrived at this place on Friday night, the nineteenth inst., and the next day visited Major Rains' camp, on the opposite side of the river. The Major, with all his officers, expresses the most ardent desire to co-operate with me in the common cause of chastising the Indians, but at the same time declines to furnish any supplies, unless the troops called out by your order shall be mustered into the service of the United States. I feel, consequently, that we are thrown upon our resources, and that we must experience great embarrassment in the want of horses to mount the men, and for means of transportation.

"The embarrassment experienced in making the portage at the Cascades appears to me to be of a permanent character. If possible, this should be immediately remedied. Even the small supply of ammunition, etc., purchased by Quartermaster Thompson on the seventeenth inst., at Vancouver, which came to the Cascades with us, has not reached this point. If this delay is to be continued, that point might as well be, for all practical purposes, in the hands of the enemy, and will prevent the command from taking the field this winter.

"I am anxiously awaiting the return here of Captain N. Olney, Sub Indian Agent, from the upper country, to obtain positive information respecting the position and intentions of the Indians in the region of Walla Walla, so as to determine on the necessity of a detour in that direction. I have suggested the propriety of such a movement to Major Haller. He appears to be of the opinion that the position and number of the enemy in the Yakima country proper will be such as to require a concentration of the entire force, volunteer and regular, in that direction. I intend to submit the plan to Major Rains to-morrow, with the view of obtaining his co-operation, if such a course should be deemed advisable, as in that event it will be highly advisable to have one or two pieces of light artillery, with United States troops to manage them, accompany the command."

Governor Curry at once communicated with Governor Mason as follows: "Five companies of the regiment of Oregon mounted volunteers, authorized by my proclamation of the 11th day of October, have gone forward to the Dalles of the Columbia. The remainder will leave the rendezvous in a few days. This regiment will be an effective force of more than eight hundred men, as each company is much stronger in point of numbers than is prescribed by the proclamation. To obviate delay, if not positive failure in the enrollment of a volunteer force to meet the present critical emergency, I have been constrained to preserve a distinct military organization of the volunteer force from this territory. The officer in command of the regiment will be instructed to act in concert

with the commanding officer of the United States troops in the field, as also with the officers of the forces raised under your proclamation of the 14th of October, and to co-operate with them in the prosecution of the campaign. I shall repair to the Dalles as soon as the regiment of Oregon mounted volunteers is on the march, and shall be pleased to meet and confer with you then, in the arrangement for prosecuting the campaign."

Governor Curry then addressed Colonel Nesmith: "Your communication of the twenty-second has this moment reached me. Everything will be done that can be towards expediting the transportation of supplies and munitions of war. The Benton county company will leave here to-morrow for the mouth of the Sandy, and the next day the Linn county company. By the transports on Thursday morning, I shall cause the horses and equipments for Company A to be sent forward. The horses are excellent animals; and they could not be procured at an earlier day. Captain Cornelius (Company D) will be with you on Thursday, Captain Kelly (Company C) the day after. On Thursday night, I trust you will have a force of 450 men available for field operations. Still, if it be deemed not inoperative, I should like any important movement to be deferred until my arrival; although I wish you distinctly to understand that you are clothed with ample power to act as your judgment shall dictate. Mr. McKinlay seems to believe that the combination is in the vicinity of three thousand as to numbers, and that they will fight."

Such being the condition of affairs, on the 22d of October, James W. Nesmith, Colonel of the regiment of Oregon mounted volunteers, addressed a brief note to Major Rains, U. S. Army, commanding the Columbia river and Puget Sound Districts: "By order of the governor of Oregon, I am directed to co-operate with you in the prosecution of the campaign against the hostile Indians. I would be pleased to have a conference with you on the subject at such time and place as may best suit your convenience." Colonel Nesmith also informed Major Rains that his men only needed "adequate subsistence, camp equipage and means of transportation" to enable them to take the field, but that the quartermaster's department had been unable to furnish them, which rendered it necessary to call on the army for them. He concluded: "Now I want you to furnish subsistence and transportation to the extent I may require. If you will do so, it will enable me to penetrate the Indian country before we shall be visited by the winter season, and reduce the hostile Indians to complete acquiescence with the terms of our dictation. I am willing, and, in case you incline to refuse the above-named request, I proffer, to furnish you the bond of myself and others, to the extent of the value of articles whatsoever advanced or furnished my command, conditioned for its payment to you or the United States, in case you shall be held individually responsible, or if your act in that behalf shall be disapproved or disallowed by the proper department of the government."

In reply to the above, Major Rains replied to Colonel Nesmith: "Yours of yesterday I have the honor to acknowledge; and, in conversation with the quartermaster I find that sixty horses on hand are totally unfit for our purpose, and that many of the animals though fit, on account of their having recently arrived from a trip in the prairies of more than fifteen hundred miles, are not much better. So that we are reduced to a minimum.

"Governor Curry of Oregon was called upon by me, as commanding officer of the United States troops in this district, for volunteers; to which call he nobly and promptly responded. But he has found it necessary to depart from the course pointed out, and kindly writes that he could not get the force in any other way. All of us have but one



J. C. TRULLINGER,
ASTORIA, OR.

object in view, namely, to subdue the foes; and volunteers, when mustered into the service of the United States, can act anywhere and everywhere, irrespective of territorial boundaries. This also sets aside the question of right of the governor of one territory sending into another a description of force not called for by the governor of the latter, or by any United States officer. It renders my duty also plain, which obliges me, before making issues, to see that they would be properly made to a legalized number of men and officers mustered into service according to the laws of the United States. If I mistake not, a departure from these principles created the difficulty with Major-General Ed. P. Gaines at the breaking out of the Mexican War, which ultimately led to a court of inquiry at Frederick, Mo., into his conduct. I am certainly a much more humble individual; and, while acknowledging with courtesy your patriotic offer of personal security, must beg leave to decline laying myself open to a like, if not worse, procedure. Arms were furnished to a part of your command at Fort Vancouver; but this irregularity is intended to be corrected by deducting the number from the *quota* to which your territory is entitled by law.

"The merciless savage commenced massacring our fellow citizens. The troops of the United States rushed to the rescue. Being too few, we called for help, and calculated such call would be responded to without other views than to subdue the foe. We are too few, now, to meet the enemy, multiplied wonderfully, as we have reason to think, since the check upon the troops in the field. Whole tribes, before peaceable, are now at war; and something more should have been done ere this. I understand from you that you expected an accession to your strength to-day or to-morrow sufficient to raise the number to four hundred effective men. We have packs of provisions, mules and horses sufficient for eight hundred men for two weeks. If you and your command will be enrolled and mustered into the service of the United States, yourself as Major, a legitimate rank according to that number, and each company (one-fifth thereof) with its own elected officers, non-commissioned officers and musicians, we can take the field immediately with some show of success; but should you determine otherwise, and wait for the slow and uncertain movements of those in the rear, which, as things proceed, will not be in a condition to march before it will be winter indeed, and too late (for we have ice already about our tent doors), I shall march on with the regulars, and leave you and the citizens-in-arms with you to reconcile to themselves and their honorable feelings any mishaps which may befall us in fulfilling our duty to our country."

Colonel Nesmith answered: "Your communication of yesterday, in reply to mine of the twenty-third inst., is before me. I regret exceedingly that you should find yourself compelled to decline to furnish the supplies and transportation so necessary for my command to take the field in a prompt and efficient manner. As to the matter of being mustered into the United States service, while I have myself no objection, it is a matter entirely beyond my control. Governor Curry is expected here on Saturday. On his arrival, this question may be adjusted to the satisfaction of all parties. I have information which induces me to believe that four hundred mounted men of my command will be concentrated at this point within the next three days. I design crossing them as rapidly as possible after their arrival, and shall form a camp at the nearest point convenient for that purpose, where grass can be obtained, on the Washington side of the river, and shall then take up the line of march for the enemy's country with such facilities as are at my command. I most earnestly wish for cordial co-operation in our common object."

Major Rains marched into the Yakima country, from his camp opposite The Dalles, on the 30th of October, with 350 regulars, and twenty days' provisions. Six companies of Oregon volunteers, all mounted, commanded by Colonel Nesmith, followed on the first of November with Companies C, D, E, F and G. A few days later, Companies A and K were joined to his command, augmenting his force to 553 men, rank and file.

The operations of the forces operating in the Yakima country under Major Rains, U. S. Army, and Colonel Nesmith, of the Oregon volunteers, are thus detailed by the former in a dispatch to Governor Mason, from the Roman Catholic Mission of the Yakima, dated November 12, 1855:

"Here we are without a battle, except a skirmish four days since with some forty Indians, who defied us as we approached the Yakima river. We thought that it was the prelude to the big battle with the whole of their force, and forded the stream to an island with our mounted troops, eighteen dragoons and eight pioneers. Here we commenced the action, firing on the enemy, and ordered up our artillery and infantry to ford the stream. Our troops made a rush into the water, but, being on foot, tried again and again to cross the river but failed, the rapid current sweeping away two of our best men, who were thus drowned; whereupon I sent back to Colonel Nesmith for two companies of volunteers, who, with our dragoons, drove headlong into the foaming torrent, and reaching the opposite shore charged the enemy, who fled away over the hills, one of their balls striking, but fortunately not wounding, Colonel Nesmith's horse.

"Late in the afternoon, after recalling all our forces to the south bank of the Yakima river, we heard, some distance on the plain, the reports of small arms (indication of a fight), and, taking two companies, we proceeded in that direction until some time after night, when, the firing having ceased, we returned to the edge of the timber and bivouacked for the night. Next day we found a number of Indians around us on swift horses, who were driven off by our mounted volunteer companies. As we approached the mountain gorge, we found the Indians, about three hundred in number, on the hill tops beating their drums and shouting defiance. These were soon driven from their position and scattered by discharges from our howitzers. We cut off some of them by a proper disposition of our troops; and two or more were killed. We continued our march to this place, sweeping the plains with our cavalry, dispersing, killing and wounding all the enemy we saw, and found the mission abandoned. Captain Maloney not having arrived in conjunction with Colonel Nesmith (who himself went in command), we dispatched one hundred and sixty-eight volunteers and regulars, on our best horses, to proceed in the direction of the Nahchess pass, and ascertain his whereabouts. We are awaiting their report; for we cannot tell where the large body of the enemy is, unless they have gone that way to attack Captain Maloney's command."

In the Portland *Democratic Standard* was a very interesting and detailed account of field operations in the Indian country, up to December 1, 1855. It exhibited also the good feeling between the officers of the army and volunteers prosecuting that Yakima campaign:

"In the engagement at the Yakima river (mentioned in Major Rains' dispatch), Captain Bennett's company (Company F) and part of the Clackamas company (Company C), took part and were the first to cross the river and charge the enemy, who fled with great rapidity, so much so that the disabled state of the horses of the volunteers rendered pursuit unsuccessful. Captain Cornelius' company (Company D) having become separated from the main body of the volunteers on the day of the engagement at the river,

encountered a superior force of Indians and fought them nearly a half day. He kept them at bay and succeeded in taking some cattle and driving them into camp that night. Two of his men were severely wounded. The damage inflicted upon the Indians was not known. In the attack the next day at the mountain gorge spoken of by Major Rains, otherwise called the "Two Buttes," the number of Indians was not less than five hundred. About one hundred and fifty were counted upon the top of the hill; and the remainder were in the brush. By some misunderstanding of the orders given to surround them, a gap was left open; and those made their escape. Two only were killed. Pursuit was of no avail.

"The regulars and volunteers encamped near the mission, which, having been abandoned, it was conjectured that the main force of the Indians had either gone to the Nahchess Pass to attack Captain Maloney, or up the Columbia to Priest's Rapids. Colonel Nesmith, with a command of two hundred and fifty men, proceeded towards the pass, and after an absence of three days returned without having seen the enemy. He found the snow so deep as to prevent the forage of his animals, and was compelled to return. He found *caches* of Indian provisions, which he destroyed, and several Indian mares and colts, which were killed, as they could be of no service to the volunteers. Some wild Indian cattle were also found and killed, which furnished subsistence for the troops. In and about the mission were found vegetables and a variety of useful articles.

"On Colonel Nesmith's return, a council of officers was held, by which it was deemed inexpedient to proceed to Walla Walla, owing to the scarcity of forage, the weak condition of the animals, and the difficulty of crossing the Columbia with the sick and wounded. It was decided to return to The Dalles and recruit. After burning the mission and a house owned by Kamiakin, the whole force, regulars and volunteers, took up their line of march for The Dalles. On their way, they met Captain Wilson's command (Company A) with the pack train of supplies, which train had suffered great loss of animals and supplies by reason of the snows in the mountains, which in some places were four or five feet in depth. The expedition reached the Klikitat river, about twenty-five miles distant from The Dalles, on the seventeenth, and there encamped. The most cordial co-operation had existed between the regular and volunteer officers. All seemed animated with a common interest in accomplishing the ends and objects of the campaign."

Colonel Nesmith himself had reached The Dalles on the eighteenth, and there found an express from Major Chinn to Lieutenant-Colonel Kelly, asking for reinforcements. It must be remembered that on the 12th of November, while Colonel Nesmith with several companies of Oregon volunteers was prosecuting operations in the Yakima valley, Major Chinn, with Company B, Captain Humason, had been dispatched to the mouth of the Des Chutes, where Company H, Captain Taylor, was encamped. The two companies marched to Wells' Springs, where they arrived on the seventeenth. At that point, Major Chinn learned by an express from Narcisse Raymond that the Walla Wallas, led by Peu-peu-mox-mox, had become hostile; that, after robbing Fort Walla Walla and possessing themselves of the ammunition which was stored there, they had dismantled it. This determined him to delay his march into the Walla Walla country until he had received reinforcement and artillery. On the next day, he marched to the Umatilla river, where he erected a fortification which he described: "We have an abundance of water and timber, and enough grass for stock. We have picketed in with large split timber one hundred feet square of ground, and erected two bastions of round logs on two of the angles, and made two corrals for the horses and cattle. This as a defense is

good against any body of Indians." The station so established was called Fort Henrietta. On the twenty-first, Major Chinn applied to Colonel Nesmith for two more companies. Colonel Nesmith responded, sending three companies, viz.: Company A, Captain Wilson, Company I, Captain Munson, and Company K, Captain Cornoyer, numbering 170 men.

On the 17th of November, General Wool, commanding the Department of the Pacific, had arrived at Vancouver. About the same period, Major Rains and his command had returned to The Dalles, and had gone into winter quarters. Colonel Nesmith's command reached The Dalles on the 19th of November.

The arrival of General Wool defeated every project which looked to a winter campaign against the Indians, or to any co-operation between the regulars and volunteers. He even suggested that the combination of the two commands of Rains and Nesmith, in the Yakima country, had been injurious to the service, because the Indians were so overawed by such a force, seven hundred men, that they fled upon the approach of the troops. General Wool ordered the regulars from Fort Dalles to Fort Vancouver, except a small garrison. He censured Major Rains for calling for volunteers, and also for going into the Yakima country to make war against the hostiles. He accused the territorial authorities of sinister and dishonest motives. While not accusing the Whites in Washington Territory of murdering Indians, as he did charge the Whites within the Rogue river country, yet he maintained that war should only be carried on upon the defensive. To any proposition of the territorial authorities to chastise the Indians for their past misdeeds, he was opposed, and should use his efforts to defeat. In fact, he was so bitterly prejudiced against the two territories, their official authorities, their volunteers and their people, that his sympathies were entirely with that savage race which it was his highest duty to keep in subjection. For the people who had the right to rely upon him for protection, he had no word of encouragement, no disposition to assist. At that time he was a greater marplot to the regaining of peace, and a more bitter foe to the Oregon and Washington people, than any hostile chief bearing arms against them.

Colonel Nesmith, who had reinforced Major Chinn by sending to his aid the troops required, desiring also to furnish the necessary artillery to enable him to move forward to Fort Walla Walla, and if necessary to dislodge the hostile Walla Wallas from the fort, thus addressed General Wool:

"On my return to this place from the Yakima country, on the evening of the nineteenth inst., I received an express from Second Major Chinn, who had been ordered by the governor of Oregon territory to advance in the direction of Walla Walla, that his front was menaced by a force of one thousand Indians, led on by the notorious Peu-peu-mox-mox; that, as his command consisted of only about one hundred and forty men, he had called a halt on the Umatilla river, and desired to be immediately reinforced. I have this morning sent forward to his relief a force of seventy men, and shall send one hundred more to-morrow. It is represented that Peu-peu-mox-mox, with his one thousand warriors, has taken a strong position. To dislodge him, it is desirable to have the service of the artillery. I have therefore to request that you will furnish me with two or three howitzers, or other equivalent artillery, with officers and men requisite to manage the same, for that purpose. I can furnish a mounted escort to forward the artillery to the command on the Umatilla, provided you, in the plenitude of your power, see proper to grant my request. If, in the exercise of your superior judgment, you should conclude to comply with my request, I would suggest it is very desirable the movement should be executed with all possible dispatch. I hope we may shortly have the pleasure of seeing you at this place."



ABEL E. EATON,

UNION, OR.

Receiving no answer to this, Colonel Nesmith addressed Major Rains: "On my arrival here, the evening of the eighteenth inst., I received an express from the second major of my regiment, who was then advancing towards the Walla Walla country with a volunteer force of about one hundred and fifty men. The express brought me intelligence that the command of the Major was threatened by an overwhelming force of the enemy; and I was requested to reinforce him with one hundred and fifty men and two howitzers. I have sent forward the number of men asked for; and, in your absence from Fort Dalles, I forwarded to Major-General Wool a request to be furnished with the artillery, and a requisite number of officers and men to work the same properly.

"The delay incident to communication between this place and Vancouver renders it quite uncertain as to the time I may receive the reply of the General. In view of this, I made this morning the verbal application to you, as the commanding officer of this military district, to furnish me with the howitzers, hoping that under the present emergency you would feel yourself warranted promptly to respond to my call. 'The merciless savages' having driven our people from the valley of the Walla Walla, burned their dwellings and captured their stock, 'the troops of' Oregon Territory have 'rushed to the rescue.' Not having in our possession the necessary appliances of war, 'we called for help, and calculated such call would be responded to without other views than to subdue the foe.' Without artillery, 'we are too few to meet the enemy, multiplied wonderfully, as we have reason to think, since the check upon the troops in the field. Whole tribes, before peaceable, are now at war; and something more should have been done' in the way of furnishing artillery 'ere this.'

"If the howitzers, with the officers and men to manage them, are furnished, I can readily provide a mounted escort to take them before the position occupied by the enemy, and 'can take the field immediately with some show of success; but should you determine otherwise, and wait for the slow and uncertain movements of those in the rear, which, as things proceed, will not be in condition to march before it will be winter indeed, and too late,' for we have had ice and snow already, without 'tents' to afford us any protection, 'I shall march on with the' volunteers, 'and leave you to reconcile to your honorable feelings any mishaps which may befall us in fulfilling our duty to our country.'"

To which Major Rains replied: "Your letter of yesterday for artillery, I have had the honor to acknowledge, and also its facetiousness in the lengthy quotation of a former letter of mine seemingly applicable to our present position: When the letter was written, there was scarcely a doubt that we had a big fight before us; but now we know otherwise, and have had assurances that an adequate force would find no enemy to combat, and an inadequate one would likely be defeated. So it becomes questionable, if your command went to Walla Walla, with cannon and 'the requisite number of officers and men to work the same properly,' if the enemy would wait in the mud walls of that fort to receive you.

"Our difficulties lie now not at any unwillingness to meet the enemy, as you know, but in our inability to find him; and while acknowledging your courteousness on former occasions, where your chivalry was displayed to advantage in gallant charges with your mounted troops upon the foe, we would fain accommodate you with the artillery required, but are now entirely under the instructions of Major-General Wool, commanding the Department of the Pacific, with whose plans such overt action on my part might conflict, and from whom you will probably hear to-morrow.

"P. S.—In an emergency, of course our utmost endeavors would be to relieve you."

Subsequently to receipt of this, Colonel Nesmith received the following reply from General Wool: "I have but just this moment received your communication of the twenty-first inst., by Major Haller. In reply I have only to say that I have no authority either to employ or to receive volunteers into the service of the United States. I am, therefore, unable to comply with your request. I will, however, observe that, owing to the condition of the United States troops, animals and other requisite supplies necessary to carry on an efficient campaign, or even temporary operations against the Indians, I have ordered a critical examination of the United States troops and supplies of every description, embracing wagons, horses and mules, all of which is with reference to an efficient preparation for future operations. Hitherto, the expeditions against the Indians have been made in too much of a hurry, unable to act efficiently, and without supplies to keep the field. Unless prepared to take the field, it would be more than folly to attempt to encounter the Indians with any expectation of success. In conclusion, I suggest that I have not power to give you the assistance you ask for."

This was the first of a series of acts on the part of that officer to deny protection to the people of Oregon and Washington. Without a shadow of a cause or right to provoke it, he had become a malignant, unrelenting slanderer, and never ceased his persecutions of any and all who were connected with said territories, or who had sympathy for them in that dark hour of peril. Had he devoted to the chastisement of the Indians one tithe the amount of energy or industry that he displayed in slandering the people and the authorities of the two territories, his previously well-earned laurels in long service for his country might have spared him the tarnish of his reputation, by the total failure of his campaign of the winter of 1855–56, to which he had invoked the attention of the world by the grandiloquent assertion that "his headquarters would be in the saddle." As a scold he acquired notoriety. As a soldier he gained no reputation.

That petty act of meanness illustrates the animus of the commanding general of the department, whose ignorance of the country and gross negligence in the distribution of troops had contributed so greatly to encourage the Indians to believe that they could banish the Whites from the region. Later he pretended that he acted upon the information of General Palmer, the superintendent of Indian affairs of Oregon, who expressed himself about that date. "I am unwilling to believe that the Walla Wallas will engage in hostilities against us, unless provoked by overt acts of our own citizens. I am satisfied that the Cayuses as a tribe are desirous of maintaining peace. This is true also of the Nez Perces. Their uniform good conduct and friendship for our citizens renders it improbable that they intend to make war. The reported combination of all these tribes to wage a war of extermination against the Whites is, I apprehend, but a phantom conjured up in the brains of alarmists."

At this time, the volunteers were badly off, scantily clothed, poorly armed, and their animals broken down by the service in the Yakima country. On the 26th of November, Colonel Nesmith addressed the Governor from The Dalles: "I have assumed the responsibility of discharging about one hundred and twenty-five men from my regiment. Several of this number have been discharged upon the report of the assistant surgeon of the regiment that they were unfit for service. The greater portion discharged are from the companies commanded by Captains Cornelius, Hembree and Bennett (those companies have been ordered to this side of the Columbia to hold themselves in readiness to proceed to Walla Walla), from the fact of being mounted on horses totally unfit to make the trip. As there are no horses here suitable to remount the men, I resolved to

grant their applications to be discharged, deeming it worse than useless to retain a large unmounted force at this place to consume our scanty supplies, all of which are unconditionally required for those who are in condition to remain in the service. I would respectively and earnestly invite your immediate and close attention to the fact that the commissary department here is almost destitute of every indispensable article of subsistence, and particularly flour and fresh beef. It is deeply to be regretted that, of the large number of horses now in the hands of the quartermaster at this post, scarcely one is fit for service. Whatever may have been their condition when purchased, they are entirely useless, and are daily becoming worse than useless, owing to the scarcity of grass and the almost entire want of forage in the quartermaster's department.

"This deficiency is keenly felt at the present time, by reason of the necessity for remounting the men in order to render them of the least efficiency against an enemy well supplied with fleet horses. It is with great difficulty that suitable animals can be had to answer the immediate demands for transportation. These difficulties will become nearly insurmountable when it becomes necessary to transport supplies for a large force over the distance from here to Walla Walla. The severity of the weather has been such that the men have experienced severe suffering from the want of tents. It is the cause of daily complaint by the men, that they are not provided with tents. This should be remedied at the earliest possible period of time."

To return to Major Chinn and his little command at Fort Henrietta. On the 29th of November, Major Chinn had been joined by reinforcements forwarded by Colonel Nesmith. Lieutenant-Colonel Kelly had accompanied to take command of operations in the Walla Walla country. After sunset, December 2d, Lieutenant-Colonel Kelly left Fort Henrietta, leaving that post in charge of Lieutenant Sword, Company I, with a detachment of twenty-five men, his force consisting of Companies A, Captain Wilson, B, Captain Humason, F, Captain Charles Bennett, H, Captain Layton, I, Captain Munson, and K, Captain Cornoyer, numbering about three hundred and fifty men. It was Colonel Kelly's design to reach Fort Walla Walla early in the morning and surprise the Indians. The fort, however, had been abandoned by the Indians, after all the furniture had been destroyed. The volunteers continued there for two days, at which time Major Chinn, with one hundred and fifty men and the baggage, set out for the mouth of the Touchet. Colonel Kelly, with two hundred men, without baggage or provisions, marched up the Touchet to find the Walla Wallas, whom the scouts had reported as camped upon its banks.

Colonel Kelly thus officially reported the operations of his command: "On the evening of the eighth inst., I gave you a hasty report of our battle with Indians up to the close of the second day's fight, and then stated that at a future time I would give a more detailed account of all transactions that occurred since the march from the Umatilla river. Owing to active engagements in the field, and in pursuit of the Indians, I have not hitherto had leisure to make that report.

"As soon as it was dark on the evening of the second, I proceeded with my command from Fort Henrietta to Walla Walla, having left a detachment of twenty-five men, under command of Lieutenant Sword, to protect the former post. On the morning of the third, we encamped on the bank of the Walla Walla river about four miles from the fort; and, proceeding to the latter place, I found it had been pillaged by the Indians, the buildings much defaced and the furniture destroyed.

"On the morning of the fifth, a body of Indians was observed on the opposite side of the Columbia, apparently making preparations to cross the river with a large amount of baggage. Seeing us in possession of the fort, they were deterred from making the attempt, when I sent a small detachment down to a bar making into the Columbia immediately below the mouth of the Walla Walla, and opposite to where the Indians were, with directions to fire upon them and prevent the removal of their packs of provisions. The width of the river at this place is about two hundred and fifty yards; and a brisk fire was at once opened upon the Indians, which was returned by them from behind the rocks on the opposite shore. No boats could be procured to cross the river in order to secure the provisions or to attack the body of Indians, numbering about fifty, who made their appearance on the hill north of Walla Walla, who, after surveying our encampment, started off in a northeasterly direction. I at once determined to follow in pursuit of them on the following day.

"Early on the morning of the fifth, I dispatched Second Major Chinn, with one hundred and fifty men, to escort the baggage and pack-trains to the mouth of the Touchet, there to await my return with the remainder of the forces under my command. On the same morning I marched with about two hundred men to a point on the Touchet river about twelve miles from its mouth, with the view of attacking the Walla Walla Indians, who were supposed to be encamped there. When I was near to and making towards the village, Peu-peu-mox-mox, the chief of the tribe, with six other Indians, made their appearance under a flag of truce. He stated that he did not wish to fight; that his people did not wish to fight; and that on the following day he would come and have a talk and make a treaty of peace. On consultation with Hon. Nathan Olney, Indian Agent, we concluded that this was simply a ruse to gain time for removing his village and preparing for battle. I stated to him that we had come to chastise him for the wrongs he had done to our people, and that we would not defer making an attack on his people unless he and his five followers would consent to accompany and remain with us until all difficulties were settled. I told him that he might go away under his flag of truce if he chose; but, if he did so, we would forthwith attack his village. The alternative was distinctly made known to him; and, to save his people, he chose to remain with us as a hostage for the fulfillment of his promise, as did also those who accompanied him. He at the same time said that on the following day he would accompany us to his village; that he would then assemble his people and make them deliver up all their arms and ammunition, restore the property which had been taken from the white settlers, or pay the full value of that which could not be restored; and that he would furnish fresh horses to remount my command, and cattle to supply them with provisions, to enable us to wage war against other hostile tribes who were leagued with him. Having made these promises, we refrained from making the attack, thinking we had him in our power, and that on the next day his promises would be fulfilled. I also permitted him to send one of the men who accompanied him to his village to apprise the tribes of the terms of the expected treaty, so that they might be prepared to fulfill it.

"On the sixth, we marched to the village and found it entirely deserted, but saw the Indians in considerable force on the distant hills, and watching our movements. I sent out a messenger to induce them to come in, but could not do so. And I will here observe that I have since learned, from a Nez Perce boy who was taken at the same time with Peu-peu-mox-mox, that, instead of sending word to his people to make a treaty of peace, he sent an order for them to remove their women and children and prepare for battle.



HON. W. H. WALLACE.
STEILACOOM, W. T.



CAPT. WARREN GOVE,
STEILACOOM, W.T.



REV. JOHN F. DE VORE,
PIONEER METHODIST MINISTER
OF PUGET SOUND OF 1853.



DR. C. H. SPINNING,
TACOMA, W. T.



HON. W. R. DOWNEY,
STEILACOOM, W. T.

From all I have since learned, I am well persuaded that he was acting with duplicity, and that he expected to entrap my command in the deep ravine in which his camp was situated, and make his escape from us. We remained at the deserted village until about one o'clock in the afternoon; and, seeing no hope of coming to any terms, we proceeded to the mouth of the Touchet with a view of going from thence to some spot near Whitman's station, where I had intended to form a permanent camp for the winter.

"On the morning of the seventh, Companies H and K crossed the Touchet, leading the column on the route to Whitman's valley, and, when formed on the plain, were joined by Company B. A few persons in front were driving our cattle; and a few were on the flanks of the companies and near the foot of the hills that extended along the river. These persons, as well as I can ascertain, were fired on by the Indians. Immediately all the companies except A and F (who were ordered to remain with the baggage) commenced an eager chase of the Indians in sight. A running fight was the consequence, the force of the Indians increasing every mile. Several of the enemy were killed in the chase before reaching the farm of La Rocque, which is about twelve miles from the mouth of the Touchet. At this point they made a stand, their left resting on the river covered with trees and underbrush, their center occupying the flat at this place covered with clumps of sagebrush and small sand knolls, their right on the high ridge of hills which skirt the river bottom.

"When the volunteers reached this point, they were not more than forty or fifty men, being those mounted on the fleetest horses. Upon these the Indians poured a murderous fire from the brushwood and willows along the river, and from the sage bushes along the plain, wounding a number of the volunteers. The men fell back. The moment was critical. They were commanded to cross the fence which surrounds La Rocque's field, and charge upon the Indians in the brush. In executing this order, Lieutenant Burrows of Company H was killed; and Captain Munson of Company I, Isaac Miller, Sergeant-Major, and G. W. Smith of Company B, were wounded. A dispatch having been sent to Captain Wilson of Company A to come forward, he and his company came up on the gallop, dismounted at a slough, and with fixed bayonets pushed on through the brush. In the course of half an hour, Captain Bennett was on the ground with Company F; and, with this accession, the enemy were steadily driven forward for two miles, when they took possession of a farm house and close fence, in attempting to carry which Captain Bennett of Company F, and private Kelso of Company A, were killed.

"A howitzer found at Fort Walla Walla, under charge of Captain Wilson, by this time was brought to bear upon the enemy. Four rounds were fired, when the piece bursted, wounding Captain Wilson. The Indians then gave way at all points; and the house and fence were seized and held by the volunteers and the bodies of our men recovered. These positions were held by us until nightfall, when the volunteers fell slowly back and returned unmolested to camp.

"Early on the morning of the 8th, the Indians appeared with increased forces, amounting to fully six hundred warriors. They were posted as usual in the thick brush by the river, among the sage bushes and sand knolls, and on the surrounding hills. This day Lieutenant Pillow with Company A, and Lieutenant Hannah with Company H, were ordered to take and hold the brush skirting the river and the sage bushes on the plain. Lieutenant Fellows, with Company F, was directed to take and keep the possession of the point at the foot of the hill. Lieutenant Jeffries with Company B, Lieutenant Hand with Company I, and Captain Cornoyer with Company K, were posted on three several points

on the hills, with orders to maintain them and to assail the enemy on other points of the same hills. As usual, the Indians were driven from their position, although they fought with skill and bravery.

"On the ninth, they did not make their appearance until about ten o'clock in the morning, and then in somewhat diminished numbers. As I had sent to Fort Henrietta for Companies D and E, and expected them on the tenth, I thought it best to act on the defensive and hold our positions, which were the same as on the eighth, until we could get an accession to our forces sufficient to enable us to assail their rear and cut off their retreat. An attack was made during the day on Companies A and H in the brushwood, and upon B on the hill, both of which were repulsed with great gallantry by those companies, and with considerable loss to the enemy. Companies F, I and K also did honor to themselves in repelling all approaches to their positions, although in doing so one man in Company F, and one in Company I, were severely wounded. Darkness as usual closed the combat, by the enemy withdrawing from the field. Owing to the inclemency of the night, the companies on the hill were withdrawn from their several positions, Company B abandoning the rifle pits which were made by the men for its protection. At early dawn on the next day, the Indians were observed from our camp to be in possession of all points held by us on the preceding day. Upon seeing them, Lieutenant McAuliffe of Company B gallantly observed that his company had dug those holes, and that after breakfast they would have them again. And well was his declaration fulfilled; for in less than half an hour the enemy were driven from the rifle pits, and had fled to an adjoining hill which they had occupied the day before. This position was at once assailed. Captain Cornoyer with Company K, and a portion of Company I, being mounted, gallantly charged the enemy on his right flank; while Lieutenant McAuliffe with Company B, dismounted, rushed up the hill in face of a heavy fire, and scattered them in all directions. They at once fled in all directions to return to this battle field no more; and thus ended our long-contested fight.

"I have already given you a list of the killed and wounded on the first two days of the battle. On the last two days, we had only three wounded, whose names you will find subjoined to this report. J. Fleming, of Company A, before reported as mortally wounded, has since died. I am happy to state, however, that private Jasper Snook, of Company H, reported by me as mortally wounded, is in a fair way to recover. The surgeon informs me that all the wounded in the hospital are now doing well. The loss of the enemy in killed, during the four days, I estimate at about seventy-five. Thirty-nine dead bodies have already been found by the volunteers; and many were carried off the field by their friends and comrades. So that I think that my estimate is about correct. The number of their wounded must of course be great. In making my report, I cannot say too much in the praise of the conduct of the officers of the several companies and most of the soldiers under my command. They did their duty bravely and well during those four trying days of battle. To Second Major Chinn, who took charge of the companies in the bush by the river, credit is due for his bravery and skill, also to Assistant Adjutant Monroe Atkinson for his efficiency and zeal as well in the field as in the camp. And here, while giving to the officers and men of the regiment the praise that is justly due, I cannot omit the name of Hon. Nathan Olney, although he is not one of the volunteers. Having accompanied me in the capacity of Indian agent, I requested him to act as my aid, on account of his admitted skill in Indian warfare; and, to his wisdom in council and daring courage on the field of battle, I am much indebted, and shall never cease to appreciate his worth.

"Companies D and E having arrived from Fort Henrietta on the evening of the tenth, the next morning I followed with all the available troops along the Nez Perces' trail in pursuit of the Indians. On Mill creek, about twelve miles from here, we passed through their village numbering 196 fires, which had been deserted the night before. Much of their provisions were scattered along the wayside, indicating that they had fled in great haste to the north. We pursued them until it was too dark to follow the track of their horses, when we camped on Coppei creek. On the twelfth, we continued the pursuit until we passed some distance beyond the station of Brooke, Noble and Bumford on the Touchet, when we found the chase was in vain, as many of our horses were completely broken down and the men on foot. We therefore returned, and arrived in camp on yesterday evening with about one hundred head of cattle which the Indians left scattered along the trail in their flight.

"On the eleventh, while in pursuit of the enemy, I received a letter from Narcisse Raymond by the hands of Tin-tin-metzy, a friendly chief (which I inclose), asking our protection of the French and friendly Indians under his charge.

"On the morning of the twelfth, I dispatched Captain Cornoyer with his company to their relief. Mr. Olney, who accompanied them, returned to camp this evening, and reports that Captain Cornoyer will return to-morrow with Mr. Raymond and his people, who now feel greatly relieved from their critical situation. Mr. Olney learned from these friendly Indians what we before strongly believed, that the Palouses, Walla Wallas, Umatillas, Cayuses, and Stock Whitley's band of Des Chutes Indians, were all engaged in the battle on the Walla Walla. These Indians also informed Mr. Olney that, after the battle, the Palouses, Walla Wallas and Umatillas had gone partly to the Grande Ronde and partly to the country of the Nez Perces, and that Stock Whitley, disgusted with the manner in which the Cayuses fought in the battle, has abandoned them and gone to the Yakima country to join his forces with those of Kamiakin. We have now the undisputed possession of the country south of the Snake river; and I would suggest the propriety of retaining this possession until such time as it can be occupied by the regular troops. The Indians have left much of their stock behind, which will doubtless be lost to us if we go away. The troops here will not be in a situation for some time to go to the Palouse country, as our horses at present are too much jaded to endure the journey; and we have no boats to cross Snake river, and no timber to make them nearer than this place. But I would suggest the propriety of following up the Indians with all possible speed, now that their hopes are blighted and their spirits are broken. Unless this be done, they will perhaps rally again.

"To-day I received a letter from Governor Stevens, dated yesterday, which I inclose. You will perceive that he is in favor of a vigorous prosecution of the war. With his views I fully concur.

"I must earnestly ask that supplies be sent forward to us without delay. For the last three days, none of the volunteers, except the two companies from Fort Henrietta, have had any flour. None is here, and but little at that post. We are now living on beef and potatoes which are found *en cache;* and the men are becoming much discontented with this mode of living. Clothing for the men is much needed as the winter approaches. To-morrow we will remove to a more suitable point, where grass can be obtained in greater abundance for our worn-out horses. A place has been selected about two miles above Whitman's station, on the same (north) side of the Walla Walla; consequently I will

abandon this fort, named in honor of Captain Bennett of Company F, who now sleeps beneath its stockade, and whose career of usefulness and bravery was here so sadly but nobly closed.

"Very respectfully, your ob't serv't,

"JAMES K. KELLY,
Lieut.-Col., Com'g Left Col."

The loss of Oregon troops in the battle of Walla Walla was as follows: Killed, Captain Charles Bennett, Company F, Second Lieutenant J. M. Burrows, Company H, Privates Simon S. Hagerman, Company I, Kelso, Company A, Henry Crow, Company H, Joseph Strutevant, Company B, Jesse Fleming, Company A; Dangerously wounded, Captain Layton, Company H, Privates Jasper Snook, Company H, T. J. Payne, Company H, F. Crabtree, Company H, J. B. Gervais, Company H, Nathan Fry, Company H; Severely wounded, Captain A. V. Wilson, Company A, Captain Munson, Company I, Sergeant-Major Isaac Miller, Company H, Private G. W. Smith, Company B; Slightly wounded, Privates Franklin Duval, Company A, A. H. Addington, Company H.

Among the killed of the seventh was the celebrated chief of the Walla Wallas, Peu-peu-mox-mox or the "Yellow Serpent." Of the circumstances of his death, Colonel Kelly in his dispatch to Adjutant Farrar, dated December 8, 1855, said: "Among those killed yesterday was the noted chief of the Walla Wallas, the celebrated Peu-peu-mox-mox. He was taken prisoner by my command on the fifth instant, near his camp on the Touchet, and during the battle yesterday made an effort to escape. In doing so he was killed, together with four others who were made prisoners at the same time, and who also attempted to get away."

The killing of Peu-peu-mox-mox was not only of importance because of his prominent position among the Indians of the confederated tribes hostile to the Whites, and his great wealth and influence with those tribes, but because it has been the great subject of comment by those who, following the example of Major-General Wool, have sought some shadow of justification for their unceasing denunciation of the people of Oregon and Washington, their denial of common sympathy, their repudiation of the just and well-founded claims of indemnity and protection from the national government. From one end of the federal Union to the other, the slaying of Peu-peu-mox-mox has been denounced as a treacherous and cold-blooded murder.

It is true there was great rejoicing among Oregonians and Washingtonians at the death of that perfidious and mischief-making Indian. But was there no occasion for it? It is true that volunteers thought they had done inestimable service, when the scourge in that section of country was powerless for further evil. It is too true that it was in ill taste for the soldiery of a civilized race to collect as trophies portions of the scalp and ears of the deceased chieftain. But much may be said in extenuation. Indian Agent Nathan Olney, in reporting to Superintendent Palmer this occurrence, stated as follows:

"We arrived near the camp (Walla Wallas) just before night (the fifth of December), and were met by Peu-peu-mox-mox and about fifty of his men with a white flag. They asked for a talk. We halted (Colonel Kelly's command) and demanded what he wanted. He said peace. We told him to come with us and we would talk. He said no. *We then told him to take back his flag* and we would fight. He said no. We then told him to take his choice,—go back and fight, or come and stop with us. He chose the latter. We retained him until the next day. We tried to come to an understanding, but could not.



ANTONIO B. RABBESON,
OLYMPIA, W. T.

We still retained him as a prisoner, with four of his men who came along with him. The next morning, the seventh, a large force attacked us as we left camp. In trying to escape from their guard during the seventh, they were killed."

From all that can be gathered from the witnesses of his death, whilst we may without stint reprobate the indignities to his person as unbecoming the spirit of the age, yet his killing was demanded by every principle justified in war (1). For months he had been endeavoring to alienate the Indians from their friendship for the Whites. Less than a month before he had seized and sacked Fort Walla Walla. His threats of intention to cut off the party of Governor Stevens, as the latter should return from the Blackfoot council, were oft repeated. The testimony of Agent Olney gives the falsehood to the charge that he was entrapped by a flag of truce. He came in voluntarily. He had his choice of peace or war. He consented to remain with the force of Colonel Kelly, as a pledge of his adherence to the former. While the battle was raging, he rose upon his guard and sought to slay them, violating his parol of peace; and, having learned the strength of the Whites, he attempted to escape and join his people. His killing under the circumstances was a legitimate consequence of the war. Self-protection, self-defense and military judgment alike demanded it. And nothing is hazarded in saying, that had that chieftain been the hostage of General Wool, and had made the attempt to escape during an engagement, his life would as promptly have been forfeited.

The battle was fought on the line of the two territories. Most of the Indians engaged belonged to the territory of Oregon. But the inseparable relations of the tribes east of the Cascades, on both sides of the Columbia river, made those tribes the common enemy of Oregon and Washington; and the *morale* of this defeat was vastly beneficial.

After the battle of Walla Walla, the volunteers went into winter quarters in the country of the Indians whom they had so signally defeated, protecting the few straggling settlers of the upper country, overawing the hostile Indians and preventing acts of reprisal upon friendly bands, and keeping the communication open with The Dalles. Their camp was changed occasionally to secure feed for the horses. It was a severe and dreary winter to those patriotic men, who willingly gave up the comforts of home and a milder climate, accompanied with the comforts of life. They were exposed to a winter temperature of twenty degrees below zero, and were denied all its necessaries. Without sufficiency of blankets, clothing and food, they patiently waited till spring should open, and active operations in the field be resumed. On the 21st of December, Thomas R. Cornelius, Captain of Company D, had been elected colonel of the regiment, in place of Colonel James W. Nesmith, resigned. Narcisse E. Cornoyer, Captain of the company of scouts, (K), succeeded Major Mark A. Chinn, Antoine River succeeding to the command of Company K. During the winter, a battalion of recruits had been formed in Willamette valley, from which Colonel Cornelius' command was strengthened early in March, they taking the places of volunteers discharged, whose terms of enlistment had expired.

With the earliest opening of spring, Colonel Cornelius determined upon an active campaign in the Yakima country. The orders of Governor Curry, with the official report of Colonel Cornelius, give the keynote and motive of that campaign. They make the record of the men who participated in that memorable winter campaign, which will in history be ranked as the parallel of the "Valley Forge" of the "times that tried men's souls," more to be remembered because its necessity and the suffering undergone could all have been avoided had the appliances at hand not been studiously and maliciously

1) See B. F. Dowell's account of the killing of Peu-peu mox-mox.

withheld by those whose duty it was to have performed that service in which the Oregon Volunteers were compelled to undergo so great a sacrifice. They perpetuate the record of the deeds of those who shared with their gallant colonel the honor of carrying the war into the enemy's country; and, in the region where our people had been murdered, the murderers met their just chastisement. They close the record of the campaign of the citizen soldiery, who contributed so vastly to saving Oregon and Washington settlements from desolation and destruction.

Under date of February 15, 1856, Governor Curry thus instructed Colonel Cornelius: "Your several communications to the second instant have been received.

"The recruit of your command, consisting of four companies, numbering about four hundred men, is now *en route*. A portion is beyond, and the remainder at this point. They will be pushed forward with the utmost dispatch. You will find the whole force well mounted, officered and equipped. Subsistence and adequate transportation for active operations during sixty days will be at your disposal; and it is not for a moment doubted that you will immediately prosecute, with energy, activity and success, the campaign in which your gallant company is engaged.

"Relying with confidence upon your skill and prudence, the plan of operations for the achievement of the object developed in general orders will be submitted mainly to your discretion, as it must necessarily be more or less influenced by circumstances ever changing and constantly occurring. So far as practicable, the plan you will adopt will be controlled by the following suggestions.

"The dispirited and exhausted condition of the enemy, from the hardships, privations and disasters they have encountered during the winter thus far, will probably disincline them to engage the force under your command in a pitched battle. Detachments in sufficient force to maintain themselves successfully against any considerable body of the enemy, and not so distantly removed in the field of their operations from each other as to enhance the ordinary dangers of the service, will be calculated to promote effectually the desired issue. After crossing the Snake river, and before reaching the mouth of the Palouse, the main body of the Indians on the south side of the Columbia may be drawn into a general engagement by a display of but a portion of your force, the remainder being kept in reserve to act as circumstances may indicate. At the mouth of Snake river, or its vicinity, the Columbia may be crossed advantageously, and the country occupied by the Yakima and other Indians, on the north side of the Columbia, successfully penetrated. It is anticipated that the United States troops, in force, will be in the field about the middle of April. By, and perhaps before, that time, it is confidently expected that the volunteers will have achieved the purpose for which they were called out, and be ready to return to their long-suspended peaceful pursuits. When satisfactorily informed that the United States troops are in the field, and in a position to maintain the advantages conquered by the Oregon Volunteers, you will adopt such prudent measures as may be required to bring your command to The Dalles, when regulations will be made with a view to mustering out of the service. If practicable, it is desired that, before the return march shall be undertaken, the Yakima valley should be penetrated far enough to break up any encampments of the enemy existing in that section of the country.

"The post at Fort Henrietta you will constantly maintain with a force of not less than thirty men, to be reduced under no circumstances while the regiment remains in the field, instructing the officers in command to scour the country in its vicinity thoroughly, as the safety of the trains passing to and from The Dalles, as well as the property at that post, must be, as far as possible, completely assured."

On the 2d of April, 1856, Colonel Cornelius thus officially reported: "On the morning of the ninth ultimo, I dispatched Lieutenant Charles B. Pillow, Company A, of the First Battalion, in charge of a detachment of fifty men, to form an encampment at or near Fort Walla Walla. I gave him orders to hold that post, to scout the adjacent country, and to preserve open the line of communication from the mouth of Snake river to our military post on the Umatilla. Having completed my preparations, on the same date I took up the line of march for Snake river with Companies A, D, E, H and K of the First Battalion, and A, B, C and D of the battalion of recruits, the command numbering about five hundred persons. We were supplied with full rations of sugar and coffee, and one-half rations of flour and beef, for the period of nine days. Beyond this we were destitute of supplies of any kind, the commissary department being wholly barren. The first night, we encamped on the Touchet. In the evening, Lieutenant Wright of Company E, whom I had previously dispatched to reconnoiter the mouth of Snake river, returned and reported he had discovered stock in the forks of the rivers, herded by Indians. The command did not move on the tenth, as I judged it advisable to await for one day the return of an express detachment I had been forced to send to The Dalles to obtain a needful supply of ammunition. Lieutenant Miller of Company H, with a detachment of that company, I sent beyond Mill creek to obtain cattle. He returned on the evening of the eleventh with twenty-one head of beef, which unfortunately effected their escape from us at Snake river.

"On the eleventh, we proceeded down the valley of the Touchet. The afternoon of the twelfth, after a march of forty-two miles from Camp Cornelius, we arrived on Snake river, twenty-five miles above its mouth; and, before nightfall, the command had accomplished the passage of the river, with the exception of Company A, Captain Harding, of the recruiting battalion. The transit over the river was made without loss or accident beyond the loss of two or three animals. On approaching the river, a very feeble encampment of Indians was perceptible on the opposite shore. Immediately after a portion of our advanced guard had crossed the river, I went in pursuit of the enemy, who had fled in the direction of the Columbia on observing our boats. A quantity of their packs and provisions, a small amount of ammunition and some horses were captured and brought into camp. Captains Hembree, Wilber, Revais, Burch and Ankeny, and Lieutenant Miller, with portions of their respective companies, were engaged in this movement. We succeeded in killing four or five of the enemy, and captured one Indian boy of some four or five years. This last I have intrusted for the present to Captains Hembree and Ankeny. In the pursuit, two Indian women were overtaken. They were suffered to pass on unmolested.

"The succeeding day, Captain Revais, with a detachment of his men, Company K, and Lieutenant Taggart of Company A, Second Battalion, with a detachment under command of Major Cornoyer, struck across the country to the mouth of the Yakima; while Captains Burch, Ankeny and Settle of the Second Battalion, with their companies, under my immediate command, proceeded down the river to its mouth, and thence up the Columbia for ten miles to opposite the mouth of the Yakima, when we were met by the detachment in charge of Major Cornoyer. We failed to find any considerable force of Indians. A small number were discovered, pursued, and three or four killed. The remainder, with a small band of stock, had succeeded in crossing the river before they could be overtaken. These fled with great precipitancy towards the north. We returned to camp by different routes, having traveled this day some seventy-five miles over a country

presenting no indications of having been occupied by a force of the war party of our enemy. While Lieutenant Small of Company K, and one other man, were together making their course to camp, they were fired upon by eight or ten Indians. The lieutenant returned their fire, succeeded in killing one of the Indians, and himself and companion escaped untouched. The same evening, private Harvey Robbins, of Company D, was slightly wounded in the thigh with an arrow.

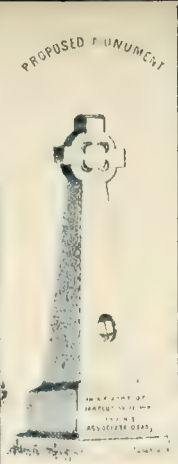
"The wagon train I had employed for the transportation of our boats, on the fourteenth I ordered to proceed to Walla Walla with five of the boats. One boat was *cached* on Snake river. On the afternoon of this day, I took up the line of march for the Palouse river, following the rough trail of the Snake. On the sixteenth, after a march of some forty miles from our crossing of Snake river, we encamped two miles below the Palouse. On this march, we discovered no manifestations that the country had been occupied during the past winter by any large body of Indians. At long intervals were to be noted evidences of temporary camps of a few families. Signs of numerous Indians having passed along the trail were perceptible. On arriving in the vicinity of the Palouse, I ordered Captain Hembree forward to ascertain if there was an encampment of the enemy at the mouth of that river. The same evening, he reported no Indians there, and no appearances of an encampment at or near that locality since late in the past autumn.

"On the seventeenth, I sent an express to the post at Walla Walla for supplies. We moved up the Palouse a distance of eight miles, and encamped until the morning of the twenty-third. Prior to reaching the Palouse, our scanty stock of provisions was exhausted; and we were reduced to the necessity of subsisting on horse meat. Many symptoms of strong reluctance to proceed further had been for several days manifested by a portion of the command. I called a council of the officers on the evening of the seventeenth, when it was determined to await the arrival of the provisions, and in the meantime to send out detachments to scout the country. On the eighteenth, Captains Hembree, Reavis, Burch and Ankeny, Lieutenants Hutchinson, Mears, Wright and Haley, with detachments from Companies D, E, H and K of the First, and B and C of the Second, Battalion, under command of Lieutenant-Colonel Kelly, proceeded up the Palouse, and across the Colvile trail, to Clear creek. At the crossing of the creek, the Colonel divided his forces, sending one part, under Captain Hembree, down the creek to the Palouse, then up the Palouse, a distance of thirty miles from the encampment of the regiment. Colonel Kelly, with his party, moved up Clear creek a further distance of twelve miles, thence marched to Sinking Springs, on the trail leading from the falls of the Palouse to Priest's Rapids, and from that section pursued an easterly course to camp. The command of Lieutenant-Colonel Kelly was absent two days. They saw no Indians or cattle, and but one horse, which was appropriated by the men for their evening's meal. The Colonel reported that his command discovered a recent encampment; that it was evident that the whole body had crossed the country towards the Columbia; that no other camping ground of the Indians was found; and that there was but one trail leading from the Palouse river over the Palouse country to Priest's Rapids. The day of the return of Colonel Kelly to camp, I dispatched a second express to Walla Walla for provisions. Fortunately, on this day we found, on the south side of Snake river, a band of forty Indian horses. With the assistance of a few men, I succeeded in driving them to camp. Most of the number were used for the subsistence of the regiment.

"On the morning of the twentieth, I was induced, by a series of circumstances, to order a parade of the regiment, at which I informed the command that it was my desire

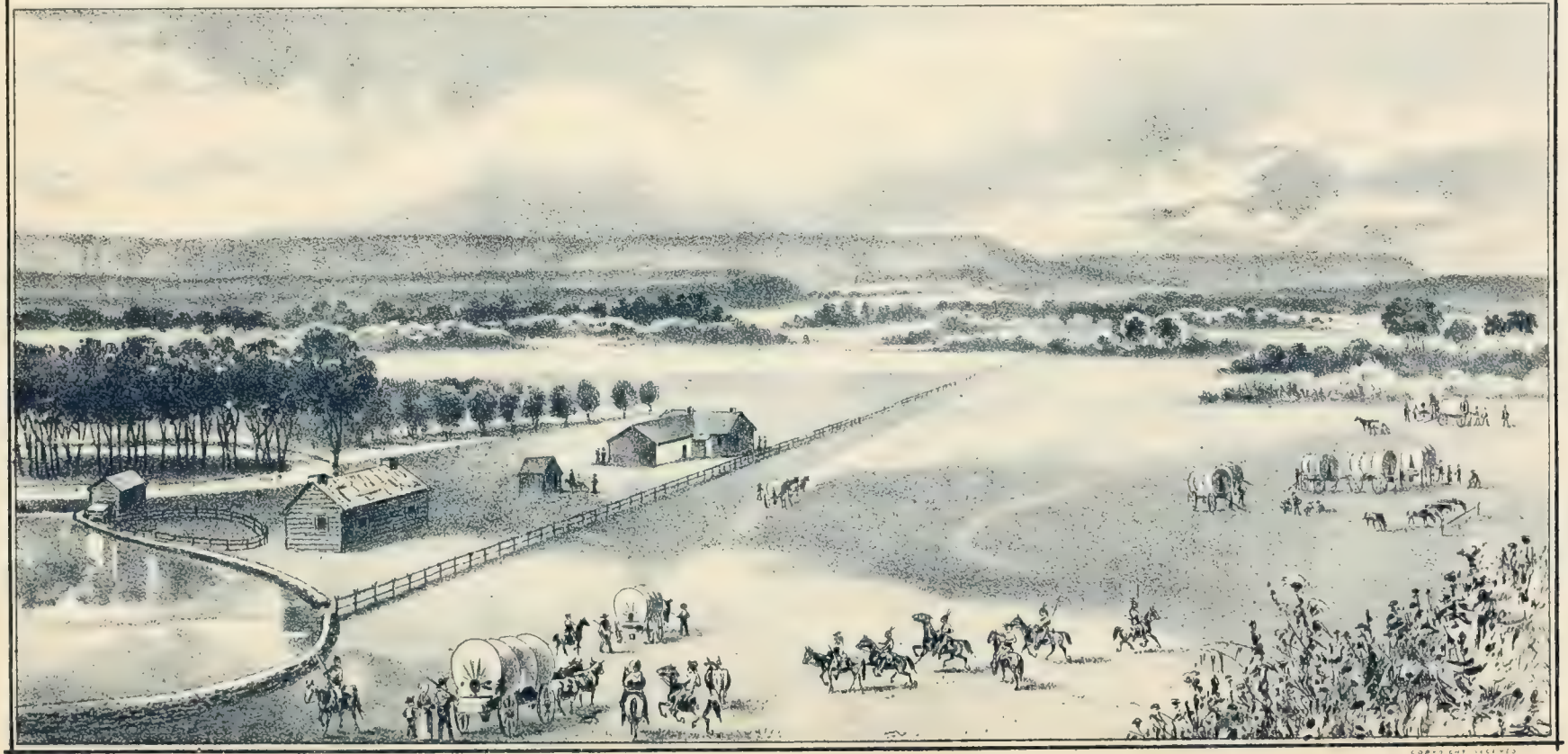


NEGLECTED GRAVE OF WHITMAN AND HIS ASSOCIATE DEAD IN 1882





MONUMENT HILL AND BLUE MOUNTAINS TO THE EAST



WAIILATPU OR WHITMAN MISSION, PRIOR TO 1847.
AND VIEW OF VALLEY TO THE WEST.

BY PERMISSION OF

and intention to follow the trail across the Palouse country to the Columbia, and to penetrate the country of the Yakima before I marched the command to The Dalles, and that such were your orders to me. I regret being under the painful necessity of stating the fact that one of the field officers exhibited his disrelish of my plan in a manner which he ought not to have suffered himself to have betrayed. Lieutenant-Colonel Kelly and Major Cornoyer, in unequivocal terms, expressed their decided approbation of the line of march I had proposed to pursue. On the twenty-first, Captain Wilson, having in charge Watson's pack train with provisions, reached Snake river. Captain Cason of Company E, recruiting battalion, reported his command at Walla Walla ready for duty. I ordered him to form an encampment at the mouth of Snake river, to scout the country on both sides of the river, and after the twenty-fourth to have our boats at that point prepared to cross any express I might forward, or the whole command. Watson's pack train brought rations of flour for twelve, and coffee for nine, days. From some mismanagement of the assistant quartermaster in the field, but two hundred pounds of coffee were forwarded to me. I had ordered four hundred and fifty pounds to be sent. At the time, there were some two or three thousand pounds of coffee at Walla Walla. Several instances of mismanagement have occurred in the quartermaster's department in the field that have seriously embarrased my plans and movements. On Sunday the twenty-third, we resumed our march, taking along one of our boats, following the trail that had been discovered by Lieutenant-Colonel Kelly on the eighteenth and nineteenth *en route* to Priest's Rapids, and late on the twenty-sixth encamped on the bank of the Columbia.

"We were four days in traversing the country between the Palouse and Columbia rivers. Throughout the march, the men and animals suffered severely for want of water and subsistence. Numbers of horses became so exhausted that they were unable to travel. The route was exceedingly difficult. No man of the regiment had before penetrated the country. Not an Indian was seen. A very few miserably poor horses were secured, which were consumed as provisions. Captains Hembree and Harding and Lieutenant-Colonel Kelly, with five men, on the twenty-seventh, followed up the Columbia for several miles above Priest's Rapids. Captain Hembree reported that the party discovered three Indians on the west bank of the Columbia; that they conversed together; that the Indians stated that they had no firearms and did not wish to fight; and that they declined to cross the river to our men. He further reported no more or different indications of the locality of the Indians than are presented in every part of the Palouse country.

"I was extremely solicitous to cross the Columbia at the point we had attained, and pass directly into the heart of the country of the Yakimas. At a council of my officers, I submitted for consideration several propositions, one as to the expediency of at once passing over the Columbia. The exhaustion of both men and animals, the absence of supplies, and the uncertainty of obtaining provisions from the trains supposed to be on the route to Walla Walla, in conjunction with other causes, led to the determination that the command be marched on the east side of the river to the mouth of the Yakima. On the twenty-eighth, we moved down the Columbia on a wretched trail, and on the thirtieth camped opposite the mouth of the Yakima. Captain Cason arrived at my camp this evening, and relieved our immediate wants by driving in eight head of beef, captured by his company on the Umatilla. It now became imperative to decide whether the country of Kamiakin should be entered and thoroughly scouted. The troops of the United States were hourly expected to arrive in the valley of the Walla Walla, and thus relieve the volunteers of the duty they have for months performed, and enable them to return to their homes.

"Governed by considerations that impressed me as the best and most prudent I could adopt under existing circumstances, I ordered Major Curl to take command of Companies H and K of the First Battalion, and A and D of the Second Battalion, proceed to Walla Walla river, form there an encampment, scout that valley to the base of the Blue Mountains, occupy the country until he was satisfied that a sufficient body of United States troops had come into the valley to hold the same, and march the command directly to the neighborhood of The Dalles. That command is now in the Walla Walla. To Captain Cason I gave an order to proceed with Company E to the headwaters of Wild Horse creek, the Umatilla and John Day rivers, into the Eureka valley and to The Dalles, by way of Warm Springs, to collect and drive in all the horses and cattle on the route, and arrest and hold in custody any and all white persons he might find in charge of stock. Captain Cason had departed to fulfill this mission. The same date I issued an order, to the regimental quartermaster and the commissary and their assistants, to withdraw all supplies, stores and property whatsoever, in their charge, from the field to The Dalles, whenever the left column of the regiment might vacate the country. The commanding officer of Company B of the First Battalion I have ordered to abandon Fort Henrietta, totally destroy that post, and march to The Dalles on the approach of the left column to the Umatilla. Lieutenant Pillow has been ordered to cross the Columbia with his force, and rejoin my command on the Yakima. On the last day of March I crossed the Columbia with Companies A, D and E of the First Battalion, and B and C of the Second Battalion. Lieutenant-Colonel Kelly, Major Cornoyer and Captain Revais accompanied me.

"On the first of the month, with Major Cornoyer, Captains Burch and Ankeny, Lieutenant Hult, and nine men, I followed up the Yakima river a distance of thirty miles. We found neither Indians nor evidences of an encampment since last autumn. Captain Hembree penetrated the country about the same distance. They report no recent traces of the enemy. Lieutenant-Colonel Kelly recrossed the Columbia in search of cattle, but returned without success.

"I had dispatched Lieutenant Caldwell to Walla Walla for one thousand pounds of flour and twenty-five rations of coffee. With this quantity, I proposed immediately to take up the line of march through the Yakimas, and depend on the capture of wild horses for all deficiency of provisions. Lieutenant Caldwell has returned, and reports that Major Curl and Lieutenant Miller, despite his remonstrances, took possession of four hundred pounds of flour, and that he succeeded in obtaining but fourteen rations of coffee. With him came your express messenger, Mr. Robinson, with your advices, and a communication from Captain Pownall, the regimental quartermaster, and from Hubbard's wagon train. A wagon and pack train with provisions are *en route* from The Dalles. If they be not delayed or discharged at Fort Henrietta, which I am fearful of, although I have given an order for the trains to push through direct to Walla Walla, I have hope of obtaining such supplies as will enable me to perform a campaign in the Yakima without danger of suffering for want of subsistence. Quartermaster Pownall communicates that the Cascades have been attacked by Indians, and that the United States troops, at that time *en route* to Walla Walla, had been recalled to The Dalles. Under the present order of facts, I may find it indispensable for the public good to place either Lieutenant-Colonel Kelly or Major Cornoyer in command of the troops on the south of the Columbia river. I shall remain in this section of the country until the arrival of the expected subsistence trains. I contemplate a direct forward movement into the Yakima valley. I shall go through

the Klikitat valley. From that point my course must depend upon contingencies that may arise. I propose to send a force down the White Salmon river, and, if you deem it advisable, proceed by the mountains and valleys to the north on to Vancouver.

"In relation to the loss of Dowell's pack train, no supplies were obtained by the Indians. The animals were stolen about four o'clock on the morning of the 25th of February, on Wild Horse creek. Pursuit was given, but with no avail. I attribute the loss to carelessness on the part of the persons having the animals in charge. At the time the train left the Umatilla, Company A, of the battalion of recruits, was encamped about one mile from the train, and supposed it would be hazardous to leave the train, as it was to proceed to Camp Cornelius with Company A. In addition to this force, Hubbard's wagon train was proceeding with the pack train, and under the escort of Captain Harding."

The command of Colonel Cornelius had crossed the Columbia river on the 30th of March; but they were delayed in the march to the Yakima country, awaiting subsistence. On the 5th of April, with 241 men fit for duty, Colonel Cornelius commenced the march. No Indians were seen in the lower country. On the 6th of April, arriving at Cañon creek, the hostiles were met in force. On the next morning, Captain Hembree, with seven or eight others, rode out with the intent of going to the top of the ridge separating the valley they were in from Simcoe valley to reconnoiter. While ascending the hill, and when but a short distance from camp, they came upon a number of what seemed to be loose horses, which they carelessly approached. In a moment it was apparent that each horse was mounted, as from each an armed warrior rose, and charged upon Captain Hembree's squad. That officer was killed, but not until he had himself dispatched two of his Indian assailants. The others hastily retreated to camp and gave the alarm. Major Cornoyer, with a detachment, swiftly pursued; but poor Hembree had been scalped and mutilated. The attempt of the Indians to stampede the horses of the command signally failed. Major Cornoyer continued pursuing the savages all day, and finally came up with them at a place which they had fortified. His command charged them and killed six of their number without losing a man.

Upon the next day, the command returned to The Dalles, carrying along with them the body of Captain Hembree. Two Indians were met on their line of march, and killed. Arriving in Klikitat valley, the troops went into camp to recruit the animals and wait for further orders. On the 28th of April, a band of fifty hostiles stampeded the animals, and succeeded in driving off a large number.

During the month of May, 1856, the regiment, excepting the companies of Captains Wilson, Wilber and Haley, were mustered out. Those three companies were retained in service until August, when they were discharged. The muster rolls exhibit that during the service of the regiment there had been (including the re-enlistment) enlisted 1,455 men, including fifty-seven who became commissioned officers.

This chapter has copiously presented the documentary record, to the end that the conduct and motives of the participants in the volunteer movement in the Oregon-Washington Indian war may be fully exposed and exhibited. There was but a single act which too signally, for a civilized race, betrayed an exultation over the corpse of a deceased foe; and although that life had been marked with perfidy, deceit and cruelty to our race, still should his lifeless body have been exempt from such a treatment. That citizen soldiery, numbering nearly fifteen hundred men, rank and file, have no occasion for other than patriotic pride in the record that they made in their service as Oregon volunteers.

Chapter LIII.

(1856.)

Oregon and Washington Indian War — Governor Stevens' Operations — His Return from the Blackfoot Council — He Addresses the Legislative Assembly — Call for Volunteers — Indian Attack Upon the Town of Seattle — Arrival of the Ninth Infantry — Governor Mason Goes to Washington City — Governor James Douglas — Patkanim Has a Battle With Leschi's Band — Murder of Northcraft and White — Battle of Connell's Prairie — Indians Becoming Demoralized — Major Hays Resigns His Command — Raid of Maxon's and Achilles' Companies up the Nisqually — Arrest of Wren, McLeod and Others — Habeas Corpus Proceedings — Martial Law in Pierce and Thurston Counties — Trials by Military Commission — Discharge of Wren, McLeod and Others — Trial of Lieutenant-Colonel Shaw and Governor Stevens for Contempt of Court — Campaign of Lieutenant-Colonel Shaw East of the Cascade Mountains.

AFTER the signing of the treaty made with the Flatheads, Kootenais and Upper Pend d'Oreilles, Governor Stevens proceeded to Fort Benton to attend the Blackfoot council. The council through satisfactorily, the governor set out on his return to Olympia. On the 29th of October, two days out from Fort Benton (1), an express brought the intelligence of the outbreak of the Yakimas, the preceding murders, and repulse of Major Haller, and the further declaration of their intention to exterminate all the Whites in the country. He was advised that the current belief was that the Cayuses, Walla Wallas and Cœur d'Alenes were disposed to hostilities. His party — consisting of twenty-five men, with poor and jaded animals worn out in the express service necessitated by the Blackfoot council, with but few arms and little ammunition, entirely unprepared for such an exigency, having believed their return was through a territory of friendly Indians — halted their train. Secretary Doty was dispatched to Forts Campbell and Benton to procure fresh animals, arms and ammunition. On the thirty-first, Governor Stevens hastened forward to Bitter Root valley, instructing Mr. Doty to follow with the train as speedily as its condition would permit. The governor reached the valley November 4th, making two hundred and thirty miles in four and one-half days. The train left the Missouri November 4th, and in eight days reached Hell Gate, in Bitter Root valley, a distance of two hundred miles, where the governor's camp had been established. Before reaching the valley, Governor Stevens had overtaken delegations of Nez Perces, returning from the Blackfoot council. At Hell Gate, he held a conference with them. They had heard of the war below; but Governor Stevens fully explained the situation, and requested certain of them to accompany him by way of the Cœur d'Alene Pass, although he had been advised that it was impracticable from snow. The whole party, fourteen men, among whom were spotted Eagle, Looking Glass and Three Feathers,

(1) Governor Stevens' message to Washington legislature, January 21, 1856.



MILES CARY,
LA FAYETTE, OR.



MRS. C. B. CARY,
LA FAYETTE, OR.



J. W. Mc CARTY,
TACOMA, W. T.



SAMUEL ALLEN,
DECEASED.



MRS. SARAH TRIMBLE,
(NEE ALLEN)
SALEM, OR.

principal chiefs among the Nez Perces, expressed their determination to accompany. The Nez Perces invited the governor to go to their country, when a large company of young men would escort him to The Dalles.

On the 14th of November, the governor pushed forward, crossed the Bitter Root Mountains on the twentieth, the snow being nearly three feet deep, and reached the Cœur d'Alene mission on the twenty-fifth. A council was held with those Indians; but they were greatly excited, and uncertain whether to be for peace or war. At this place the rumors were extremely alarming;—that the troops had fought a battle with the Yakimas and had driven them across the Columbia; that the Walla Wallas, Cayuses and Umatillas were in arms, and that the Nez Perces had joined the hostiles. Nothing seemed reliable but the fact that several tribes in front were in arms, blocking up the road, and that they had threatened to cut off the governor's party. The governor still advanced to the Spokane country. A council was called, at which the whole Spokane nation was represented. It was also attended by the Cœur d'Alenes and Colvile Indians. The Spokane and Colvile Indians were bitterly hostile in their expressions. They denounced the war below, wanted it stopped, and said the Whites were in the wrong. The belief was general that Peu-peu-mox-mox would execute his oft-repeated threat against the governor and his party,—the threat that he would never reach The Dalles alive. Those Indians had not as yet joined the hostiles. They would not even promise neutrality, but said that, if the Indians at war were driven into their country, many of the Spokanes would join them. After a stormy council lasting several days, those Indians were conciliated and promised to continue the firm friends of the Whites.

Governor Stevens having reinforced his party, a forced march was made to Lapwai in the Nez Perce country. The whole nation except the buffalo hunters assembled to greet the governor. William Craig, from letters received, informed the governor that Walla Walla valley was blocked up with hostile Indians; and the Nez Perces declared it was impossible to get through. Governor Stevens called a council, and asked them for an escort of one hundred and fifty to accompany him to The Dalles. Cordially they agreed to go. Before the council had adjourned, the news was received of Colonel Kelly's victory in Walla Walla valley. The next day, with sixty-nine well-armed Nez Perces, the governor started for Walla Walla, which he reached without encountering a hostile Indian. Such was the gauntlet which Governor Stevens, a commissioner of the United States to negotiate treaties, had to run in returning from his duty. Yet General Wool, the commanding officer of the territory, disbanded a company of volunteers who had been raised and accepted into the United States service, with the condition that one of their duties should be that of escorting Governor Stevens on his return from the Blackfoot country through that hostile region. Such was the bitter hate of that arch-enemy of the territories of Washington and Oregon. Governor Stevens reached Olympia on the 19th of January, 1856.

By unanimous request of the Legislative Assembly, then in session, the governor, on the 21st day of January, 1856, addressed both houses in joint convention. He reviewed the Indian policy which had hitherto governed his administration, rapidly and cursorily noticed the events of the Indian war, and adverted to the policy which would govern the further prosecution of the Indian war by the territorial authorities. He boldly proclaimed that the volunteers called out by Governor Mason to co-operate with the regulars had been treated with bad faith; that some of those troops had been disbanded in open violation of positive understanding; and that, therefore, "It is now proper that the authorities of

this territory should conduct the movements of its troops, co-operating however with the regular troops where such co-operation can be effective; that the volunteers called into service by the territory should not be mustered into the service of the United States; that he was ready to take the responsibility of calling for troops to act independently of the regular service."

On the 23d of January, 1856, Governor Stevens issued a proclamation calling for six companies of volunteers, reciting for the occasion that "during the past three months a band of hostile Indians have been spreading alarm amongst the settlers residing on Puget Sound, murdering the families, destroying property, causing claims to be abandoned, and preventing the usual avocations of the farmer, whereby a large portion of the territory has become deserted; and positive want, if not starvation, stares us in the face during the coming year: And whereas, the term of service of the troops already called out into the field either has or is about to expire; and, by a vigorous prosecution of the war, it is believed that a peace can soon be conquered, or our enemies west of the Cascade Mountains be annihilated, especially from the friendly attitude, up to this time, maintained by the Indians residing immediately upon the waters of Puget Sound."

That preamble briefly stated the condition of the country at that time. It recognized that war existed against the hostile bands of Indians west of the Cascade Mountains, against those Indians who had, up till this time, refused to move upon the reservations, and who refused to be separated from, or who acted with, the hostiles. It was not war against the race. It was war against those who refused to be wards or dependents of the government and to live in amity with the Whites.

On the 26th of January, 1856, at half-past eight o'clock in the morning, the Indians attacked the town of Seattle. This attack, made in open daylight, an United States sloop-of-war anchored in the harbor, indicated a boldness at variance with Indian character, and utterly inexplicable, considering their usual mode of warfare. It demonstrated that the feeling of confidence had returned to them. It meant conclusively: "Had they been successful in that engagement, thereby would have been settled the question by the great number of Indians upon the reservations, who yet doubted as to which party should have their allegiance." It was the bold bid of the race to stimulate to hostility the wavering. The firing continued incessantly all day. Two white men were killed. The U. S. ship *Decatur* rendered most valuable assistance. A number of Indians were killed; but the number, as in all conflicts with that race, could not be definitely ascertained. A shell thrown by the *Decatur* struck a house upon the outskirts of the town, which the Indians reported to have killed five of their number. Outside the town of Seattle, all the houses in King county, excepting the improvements on Alki Point, had been burnt to the ground; and the whole country was devastated. On the day of the attack, a company was raised for the defense of that place, the term of enlistment of Captain Hewitt's company having expired. Of that new company, Hon. Edward Lander, Chief Justice of the territory, was elected captain. Although raised to temporarily defend Seattle, the company was received into the new regiment raised under the governor's recent proclamation as Company A.

On the 29th of January, Lieutenant-Colonel Casey, U. S. Army, arrived at Steilacoom in the steamer *Republic*, with two companies of the Ninth Infantry, the remaining companies of that regiment, under Colonel Wright, U. S. Army, having gone to Fort Vancouver.

The following appointments were made by the governor, who was *ex officio* commander-in-chief: James Tilton, Adjutant-General; William W. Miller, Quartermaster

and Commissary-General; James K. Hurd, Asst. Quartermaster and Commissary-General; Charles E. Weed, Quartermaster, Olympia; Warren Gove, Quartermaster, Steilacoom; R. S. Robinson, Quartermaster, Port Townsend; M. B. Millard, Quartermaster, Portland, Oregon; M. R. Hathaway, Quartermaster, Vancouver; A. H. Robie, Quartermaster, The Dalles.

The following exhibit from the muster rolls shows the companies who were accepted into the service, their strength, together with the names of their officers: B. Frank Shaw, Lieutenant-Colonel; Walter W. de Lacy, Adjutant; Christopher H. Armstrong, Quartermaster. Company A: Captain Edward Lander; Seattle, King county; fifty-three men, rank and file; infantry. Company B: Captain Gilmore Hays; Olympia, Thurston county; fifty-two men, rank and file; infantry. Upon the election of Captain Hays as Major, he was succeeded by A. B. Rabbeson, who was succeeded by D. E. Burntrager. Company C: Captain Benjamin L. Henness; Thurston county; sixty-seven men, rank and file; mounted; furnished their own horses. Company D: Captain J. H. Achilles; forty-four men, rank and file; mounted. During part of term, First Lieutenant Powell commanded this company. Company E: Captain C. W. Riley; Steilacoom; twenty-one men, rank and file; infantry. First Lieutenant Cole succeeded Captain Riley in command of company. Company F: Captain Calvin W. Swindal; Mason county; forty men, rank and file; infantry. Company G: Captain Jno. J. J. H. Van Bokkelin; Jefferson county; fifty-five men, rank and file; infantry. On the election of Captain Van Bokkelin as Major of the Northern Battalion, he was succeeded by Captain Daniel Smalley. Company H: Captain R. V. Peabody; Whatcom; forty-two men, rank and file; infantry. Company I: Captain Samuel D. Howe; Island; thirty-five men, rank and file; infantry. Company J: Captain Bluford Miller; Oregon; forty men, rank and file; mounted rifles. Company K: Captain F. M. P. Goff; Oregon; one hundred and one men, rank and file; mounted rifles. Company L: Captain Edward D. Warbass; Lewis county; ninety-one men, rank and file; infantry. Company M: Captain Henri M. Chase; fifty-three men, rank and file; mounted. This company was composed of ten white men and forty-three Nez Perces. They furnished their own horses. Company N: Captain Richards; Oregon; seventy-four men, rank and file; mounted. A part of term this company was commanded by Captain Williams. Washington Mounted Rifles: Captain H. J. G. Maxon; ninety-five men, rank and file; mounted. Clark County Rangers: Captain Wm. Kelly; eighty-one men, rank and file; mounted. Pioneer Company: Captain Joseph White; Thurston county; forty men, rank and file; infantry. On Lieutenant-Colonel Shaw's expedition to Eastern Oregon, a part of the Pioneer Company, Captain Urban E. Hicks, performed duty west of the mountains as mounted men,—fourteen men, rank and file. Walla Walla Company: Captain Ford; twenty-nine men, rank and file; mounted. Train Guard: Captain Oliver Shead; forty-seven men, rank and file; infantry. Nisqually Ferry Guards: Sergeant Packwood; nine men, rank and file; infantry.

Much anxiety existed on account of the presence of a number of Northern Indians on the Sound; and their constant robberies and depredations upon the remote and defenseless settlements was a continued cause of alarm. The hostiles were becoming emboldened. Their coming to the very verge of the settlements, stealing horses and cattle and driving them off to their camps and pastures, was of constant occurrence. On the 30th of January, Governor Charles H. Mason took his departure on the steamship *Republic* for Washington City, as a bearer of dispatches, and to present the condition of our territorial and Indian affairs to the national government.

Illustrative of the manner in which Govenor Stevens took responsibility and accomplished purposes, as also the sympathy of Sir James Douglas, Governor of Vancouver Island, in our struggle, the appeal of the former to the latter (February 7, 1856), and the response, should not be omitted. It exhibits the poverty of the territory,—its actual needs; it alike shows the humanity of Governor James Douglas. Governor Stevens addressed Governor Douglas: "I have appointed R. S. Robinson my commissary and quartermaster for the volunteer operations on the lower part of the Sound; and I have to request that you will furnish him with whatever he may call for. We need powder, lead, sugar, coffee, pork, clothing, candles, soap, etc. I have no question that an appropriation will be made this session of Congress to defray these expenses; and Captain Robinson will issue the necessary certificates for such articles as you may furnish."

Governor Douglas, after the exchange of several notes as to the method of purchase and securities, replied: "Unable to procure supplies from the merchants of Victoria on the terms proffered in your letter, I have *purchased* a quantity of sugar, coffee, the number of blankets wanted for the troops, with a supply of gunpowder and lead, with my *private funds*, for Captain Robinson, with a view of meeting your present necessities, leaving the payment for your settlement in any manner that will secure me from loss."

Nearly three years later, the government of the United States having delayed the recognition of this debt, because, as Secretary John B. Floyd remarked, he "had been under the impression that the debt arose from an ordinary purchase of goods, made on the same terms as other purchases at that time from private parties." Sir James Douglas explained that transaction to Lord Napier, the British Minister at Washington: "They were advanced from my own private funds to aid, not the ordinary military operations of the country, for that I should not have felt bound to do, but to avert the devastating inroads of savages menacing the destruction of the defenseless settlements of the United States. You will see by the impressive and oft-repeated appeals made to me for assistance, and that failing all other aid, and having no government means at my command, I authorized Mr. Commissary Robinson to purchase a limited quantity of stores at my expense, which he did; and I paid the cost from my own private funds, and not in the least in connection with the Hudson's Bay Company. That was done from an entirely friendly spirit, as governor of Her Majesty's colony of Vancouver Island; and assuredly I should not have laid out money in that way, under any other circumstances, with views of commercial profit."

Secretary Floyd on learning this, January 27, 1859, earnestly recommended the payment of this advance, in which President Buchanan heartily concurred in this language: "I learn that this transaction had in it nothing whatever of a commercial character, but was, in fact, a loan made by the generosity of the chief magistrate of a neighboring colony, in a time of great distress, for the relief of the territory, and with the guaranty of the national faith as security."

Congress made the appropriation as recommended, "to refund the amount of this claim, with interest, which is clearly demanded by the circumstances of the case."

On the 4th of February, Patkanim, with fifty-five friendly warriors of the Snohomish and Snoqualmic tribes, had taken the field for the purpose of operating against the hostiles of the White, Green and Puyallup rivers. Colonel Simmons and Mr. Fuller of the Indian service accompanied them up the Snoqualmic river till they abandoned their canoes. On the 8th of February, these Indian auxiliaries were scouting along the base of the mountains. When within five miles of Snoqualmic Falls, and eighty miles east of Seattle,



A.H. CHAMBERS, ESQ.,
OLYMPIA, W.T.

Patkanim learned of an Indian camp just below the falls. Colonel Simmons, the Indian agent, and the Whites who had accompanied, had been directed by Patkanim to camp on Wapito Prairie. Patkanim then surrounded and captured the whole Indian camp, numbering seventeen, without firing a gun. Three of the party proved to be Klikitats. The others belonged to Pakanim's tribe. One of the Klikitats turned informer, and agreed to join Patkanim and guide the party to Leschi's camp. The other two Klikitats, Patkanim hanged and beheaded. From the Klikitat informer, much information was obtained. He said that the Klikitats, during the previous fall and winter, had been east of the mountains, engaged in making war upon the Whites; that the hostiles who had taken part in the war at different times and places numbered between five and six hundred; that Nelson and Leschi's bands, together with the Sababs and Duwamish Indians, had made the recent attack upon Seattle, but that neither Leschi nor Nelson was personally present; that there were but thirty armed Indians then in the vicinity of Seattle, and that they were in the vicinity of Lake Washington; that the hostiles were divided into four camps, all near each other, upon the eastern side of White river, just above where it was crossed by the military road, and that the road was completely guarded at its crossing; that in the spring, as early as practicable, a large portion of the Yakimas and Klikitats would cross the mountains and renew hostilities.

On the night of the 15th of February, Patkanim arrived at the camp of Leschi in the forks of a small stream on White river. He intended to have surprised Leschi; but his approach was betrayed by the barking of the dogs. A fruitless colloquy occurred between the two chiefs; and Patkanim commenced the attack on the next morning. Leschi's party occupied a log house outside the forks. After a desperate fight, Patkanim dislodged Leschi's party, who retreated to the forks of the river. The fight continued ten hours. Leschi's party lost eight men killed, one being a chief, six being killed on the opposite side of the river. Two of the heads only were secured as trophies of the battle. Patkanim continued the fight until he was out of ammunition, when he withdrew his forces to wait for supplies. About this time, another party of Indian scouts, mostly of the Chehalis tribe, was organized, with Sidney S. Ford as captain. In the meantime, a sufficient number of volunteers had been accepted into the service to form the Central Battalion, which, on the 21st of February, elected Captain G. Hays, Major. A. B. Rabbeson succeeded to the command of Company B. The battalion consisted of Companies B, C, the Pioneers under Captain White, and Company F, Captain C. W. Swindal. They immediately established the post at Camp Montgomery, and by the 29th of February had established a post and ferry at the crossing of the Puyallup river by the emigrant road.

On Sunday, February 24th, William S. Northcraft, of Thurston county, in the employ of the quartermaster of the volunteer forces, was killed about twelve miles from Olympia, on his way to the fort on Yelm Prairie. Heretofore, the Indians had confined their operations to the country northward of Steilacoom, between the Puyallup and Snoqualmic rivers, embracing the Green and White river country, and the vicinity of Seattle. They now transferred themselves to the Nisqually region. The Indians in that vicinity were commanded by Quiemuth and Ste-hi.

On the Tuesday following, the twenty-sixth, Wesley Gosnell started for the Nisqually bottom with fifteen friendly Indians from the Squoxin reservation as scouts.

On the 27th of February, the Central Battalion were ordered to move forward to the Muckleshoot Prairie, to co-operate with the regulars under Colonel Casey. But "this is not intended either directly or indirectly to place you under the orders of Colonel Casey,

nor to make your operations subordinate to his." *En route* to Muckleshoot, a blockhouse, to be garrisoned by ten men, was ordered to be erected at Porter's Prairie, and one also at Camp Connell.

On Sunday, the 2d of March, William White, one of the oldest residents and most prominent citizens of Thurston county, while returning from church on Chambers' Prairie with his family, was killed by a small band of hostile Indians. Mr. White was walking at the head of the horse, a little in advance, when he was shot and instantly killed. The horse took fright at the firing and ran away, to which circumstance is attributable the saving of the lives of the two estimable ladies who were accompanying Mr. White.

On the 10th of March, a decisive engagement was fought on Connell's Prairie. Major Hays reported the result of the action as follows: "At about eight o'clock this morning, Captain White, with his company, was ordered to the White river to build a blockhouse and ferry, supported by Captain Swindal and ten privates. He had not proceeded more than half a mile from camp when he was attacked by a large Indian force, supposed to be at least one hundred and fifty warriors and a large number of squaws. I immediately ordered Captain Henness to his support with twenty men. Captain Henness moved with great rapidity, a tremendous volley of guns announcing his arrival. I became satisfied that an additional force was necessary, and dispatched Lieutenant Martin of Company B, with fifteen additional men. The Indians by this time were seen extending their flank to the left with great rapidity. I then ordered Lieutenant Van Ogle, Company B, with fifteen men, to check their flank movement; but, before he could gain a position, they had so extended their line as to make it necessary to send another party of twelve men under command of Captain Rabbeson, who succeeded in checking them. The fight by this time extended the whole length of our line; and one continuous volley could be heard from the Indian guns on the hill and those of our men in the bottom. This firing continued some two hours. I saw the advantage which the Indians had in position, and determined to charge them. I ordered Captain Swindal to charge them from his position, which was central, and Captain Rabbeson to make a simultaneous move against their extreme left; while Captain Henness and Captain White were ordered to hold the position which they occupied.

"This order was promptly obeyed, and the charge made in the most gallant style by Captain Swindal against their center, and Captain Rabbeson against their left, through a deep slough, driving the enemy from their position and pursuing them some distance in their flight. Captain Rabbeson returned to camp; while Captain Swindal occupied a high ridge in the rear of the main body of the Indians. I ordered Captain Rabbeson to join Captains Henness and White, and direct Captain Henness to charge the Indians if he deemed it advisable. The Indians in front of Captains White and Henness were in strong position behind logs and trees, and upon an elevation. It was deemed too dangerous to charge them in front. Captain Rabbeson was ordered to join Captain Swindal, make a flank movement to the right, and charge the enemy in their rear. This order was gallantly obeyed. Simultaneously with this movement, Captains Henness and White charged them in front. The Indians were routed, and were pursued for a mile or more along a trail covered with blood. It is believed that not less than twenty-five or thirty were killed, and as many wounded. They had been seen carrying off their wounded and dead from the time the fight commenced until it terminated. Withes and ropes were found on the ground they occupied, which had been used in dragging off their dead into the bush. Hats, blankets and shirts were picked up with bullet holes in them,

stained with blood. They were forced to give up their drum, which they abandoned in their retreat. But two Indians were found dead on the field, one of whom was recognized as Chehalis John. The other was placed under a log, and has not yet been examined. The Indians had together their whole force. They picked their own ground. They brought on the attack without being seen by our troops. I regard the victory of this day as complete,—a grand triumph. They exceeded us in numbers nearly if not quite two to one; and we whipped and drove them before us. We had four men wounded, all of whom will soon get well."

On the 14th of March, the Indians attacked Captain White's Pioneer Company, while at work on the blockhouse on White river. Company C, Captain Henness, were on guard at the time, one man of which company was severely wounded.

Everything now indicated that the Indians were disheartened, and were separating into small parties. Major Hays wrote on the 24th of March: "The Indians are evidently much alarmed, and are flying before us as rapidly as possible, leaving behind their poor horses, five of which we have taken. I should judge them to be in a starving condition from the fact that we have found a number of their horses killed for food."

On the 10th of April, 1856, Major Hays resigned his commission in the volunteer service. Very soon thereafter, B. F. Shaw was elected lieutenant-colonel.

On the 12th of March, Captain Maxon of the Southern Battalion, having arrived with his command of fifty-four men, was ordered to detach twenty-five men to escort a train to Fort Connell, and to scout with the remainder of his company up the right bank of the Des Chutes river, by way of Chambers' and Tenalquott Prairies, and to return by way of Gravelly Prairie. His general field of duty was defined to be to scout the country between the Des Chutes and the Puyallup.

Certain persons who had intermarried with squaws, such squaws having been members of tribes then hostile, and the husbands being discharged employés of the Hudson's Bay Company, in consequence of suspicions that they had harbored and were harboring the hostiles, and had furnished information and afforded supplies to them, as also from the fact that they had without molestation continued to dwell in the vicinity of those Indians who were in arms, when it was impossible for any American even to pass through that section of country, had prompted Governor Stevens to order those persons into Nisqually and Steilacoom. Those suspects were also informed that if they returned to their claims they would be regarded as enemies. It is alike unnecessary to express an opinion as to the authority of the executive to make such an order, or to pass upon the guilt of the parties suspected. That the motive of bringing them in was good will not be denied; and that circumstances appeared to corroborate the suspicions may well be conceded. Captain Maxon was ordered to visit the claims of those parties, and, if the banished parties returned, to watch them and bring them in.

Captains Maxon and Achilles left McLeod's on the 29th of March, and proceeded up Nisqually river. On the thirty-first, they overtook Indians beyond Olalley Lake. They here took Chuckmose, and two women with children, prisoners. Of two other Indians who attempted to escape, one was killed and the other taken prisoner. From the prisoners it was learned that a small band with a number of horses were encamped on the Owhop river. At that point, eleven horses and two colts were captured; but the Indians had recently fled. On the 1st of April, Captains Maxon and Achilles pushed forward to the forks of the Nisqually and Michael. At length the presence of the hostiles was ascertained. The woman who had been taken prisoner was sent forward to engage in

conversation, while the volunteers surrounded the Indian camp. A portion of the troops had crossed the river before the attack was made; and the men crawled up to within twenty feet of the ranch containing the Indians. The surprise was so complete that but one hostile gun was fired. After the first fire, the Indians jumped into the stream with a view of gaining the opposite side; but they were here met by the party who had crossed the river. Three were killed in the stream, and two in the forks below. One of the killed was a prominent Indian leader known as Sky-skie. About noon, a small party were sent out to reconnoiter, and to cross the Michael at its mouth; while the company itself crossed the Michael about a mile above, in search of a trail to the encampment of the hostiles, called by the prisoners Jim's camp, where it was represented that a great number of horses had been collected. Before the crossing was effected, a party of Indians, five or six in number, were discovered crossing on a log. They were fired upon by the advance guard. One was killed and another wounded. The others escaped by the stream. The detachment at the forks was apprised of the presence of the Indians by one jumping into the stream and heading for the opposite side. He was fired upon and killed. The next day the command returned to McLeod's, where they arrived on the 3d of April. On their way they seized and sent in as prisoners Charles Wren, John McLeod, L. A. Smith and others, discharged Hudson's Bay Company employés, Red river half-breeds and Canadian French who were married to Indian wives, and who were suspected of communicating with, furnishing supplies to, and harboring, the hostiles.

The events which followed those arrests were of so important a character as to render it necessary to refer to the causes which were alleged as justifying the extraordinary subsequent proceedings of Governor Stevens. As early as March 2, 1856, it had been determined to order to Fort Nisqually "certain settlers, with their families, whose further continuance upon their farms was deemed incompatible with the public safety or interest." Dr. Tolmie, a chief factor of the Hudson's Bay Company, in charge of that post, was desired to detain them, to keep an account of necessary supplies furnished to them, to observe their conduct, and to prevent any communication between them and the hostile Indians. On the 8th of March, Isaac W. Smith, then acting as secretary of the territory in place of Charles H. Mason, who had gone to Washington City, had been sent to those settlements (mostly in Pierce county), composed of French Canadians and half-breeds, many of whom were discharged employés of the Hudson's Bay and Puget Sound Agricultural Companies. Most of those persons were married to, or living with, Indian women,—some few to half-breed women. Pursuant to his instructions, Mr. Smith ordered several of those families into Nisqually; but they were permitted, when so preferring, to go to Steilacoom. Suspicions against those persons were undoubtedly justified, not only on account of their marital relations, but also from the fact that they could dwell in perfect safety in a section of country which no American dared visit. The hostiles were known to visit their homes. There were reasons justifying the belief that the Indians could and did, by threats or persuasion, obtain supplies; and Indian testimony even charged several of them with having furnished ammunition to the hostiles. Public policy, and the interest of the territory, seemed to demand the removal of those persons from the seat of war, and from proximity to the hostiles; and no fault can justly be found with the manner in which their removal was sought to be effected.

In the latter part of March, Captain Maxon, when scouting through that region, found that those suspects had returned to their places in the hostile country. He caused them at once to be brought into Olympia. On the 31st of March, Governor



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Stevens sent Captain Maxon's prisoners under a volunteer guard to Fort Steilacoom. Lieutenant-Colonel Casey, U. S. Army, commanding that post, received them, and placed them in the guardhouse.

On the 2d of April, 1856, Governor Stevens issued a proclamation of martial law over the county of Pierce, and inclosed a copy of the proclamation in a letter of that date to Colonel Casey. This letter alleged that the design of the proclamation was to prevent the taking from that officer, "by civil process, *habeas corpus*, or otherwise," the prisoners in his custody. What is most singular, Colonel Casey was requested to suppress the proclamation, or not put it in force until civil process had been served upon him. On the night of April 2d, Governor Stevens was informed by an express that Colonel William H. Wallace and Frank Clark had been retained by the prisoners as counsel, and that those attorneys had gone to Whidby's Island to apply for a writ of *habeas corpus*, to be made returnable before Associate Justice Francis A. Chenoweth, Judge of the courts of the third judicial district. Colonel Casey replied, April 3, 1856, requesting to be relieved of the charge of the prisoners. He expressed doubt whether the proclamation of Governor Stevens would relieve him of the necessity of obeying a writ of *habeas corpus*. The proclamation of martial law over Pierce county was at once published, bearing date April 3, 1856.

The proclamation alleged as the causes for its issuance: "In the prosecution of the Indian war, circumstances had existed affording such grave cause of suspicion that certain evil-disposed persons of Pierce county had given aid and comfort to the enemy, and had been placed under arrest and ordered to be tried by a military commission; and that efforts were then being made to withdraw by civil process those persons from purview of the said commission." It then proclaimed martial law over the county of Pierce, and suspended the functions of all civil officers in the county. Had a military commission to try those persons been ordered? If so, it too had been abrogated and suppressed. A careful inspection of the records of the office establishes that the order under which a military court was detailed for the trial of those parties emanated from the governor, May 16, 1856, a date more than six weeks after the proclamation of martial law had asserted the existence of such an order. Nor was the suspension of that writ essential to confer jurisdiction upon a military commission; nor would it help such a tribunal to perform an unlawful act. The criticism of Governor Stevens' official acts will not go further than to furnish a candid view of the condition of affairs at that time. Lieutenant-Colonel Casey, in command of Fort Steilacoom, had three companies of United States troops. The forces of the territory, consisting of the Central and Southern Battalions, were engaged in scouting the whole country. The hostile Indians were disintegrated, were breaking up into small parties, and were disheartened. After the decisive action of Connell's Prairie on the 10th of March, 1856, there never had been another general fight between the hostiles and the troops in either service. All the reports of the different scouts to territorial headquarters indicated that the Indians had separated into small bands, were avoiding the troops, were thoroughly demoralized, and that many had escaped across the mountains. Assuming that the conduct of those parties had rendered them liable to suspicion by the authorities, yet there was no real cause at that time to justify the subversion of the civil law to the military, and for the degradation of the judiciary. While it is notoriously the fact that, until the discharge of those persons and the departure of the volunteers under command of Lieutenant-Colonel Shaw for a campaign against the Indians east of the Cascade Mountains, the history of the period of martial

law is almost a full narrative of the proceedings of the territorial forces. A brief statement of the events in their order must suffice.

The proclamation continued in force on the 5th of May, the first Monday of the month, the time fixed by a law of the territory for holding the district court of Pierce county. The illness of Judge Chenoweth, Judge of that court, caused him to request Hon. Edward Lander, Chief Justice of the territory, to hold that term of court. On the first day of the term, the court was opened in due form of law. A patriotic desire of Judge Lander (himself a captain of a company raised for the defense of the territory) to co-operate with the territorial authorities induced the chief justice to suspend the court for that day, to enable, as he requested, the governor to withdraw his proclamation. The governor had the volunteers to sustain him, and he declined. To Judge Lander was left the only alternative. He had but one duty to perform; and that was to hold the court as required by law. On the 7th of May, after conferences with the governor and officers had failed, he opened the court. A few minutes thereafter he was forcibly removed from the Bench by the territorial volunteers under command of Lieutenant-Colonel Shaw; and he and the clerk, together with the records of the court, were taken out of the county, and removed to Olympia. On the ninth, Judge Lander was informed that he was no longer a prisoner. On the tenth, John M. Chapman, the clerk, was notified that he was at liberty.

On the 12th of May (the second Monday of the month), the term of the district court of the county of Thurston, in Judge Lander's own district, commenced. On that day, three of the prisoners in the custody of the governor applied to Judge Lander at his chambers for a writ of *habeas corpus*. It was issued, of course; nay, it could not be denied. It was made returnable on Wednesday, May 14th. The marshal served the writ on Monday evening. During that night, martial law was proclaimed in Thurston county. The alleged cause for it was "that the writ of *habeas corpus* was issued to prevent the trial of the persons seized, which trial had been ordered to take place on the 20th of May." On the morning of the 13th of May, a company of volunteers rode into town, and placed a cannon in front of the courthouse; and, though none of the soldiery entered the courtroom, yet they were on duty at the governor's office immediately opposite the courthouse door. In defiance and contempt of the writ, the persons at whose instance the *habeas corpus* was issued were taken by a guard out to Camp Montgomery,—out of the county of Thurston. On the fourteenth, court still proceeded; and, the governor failing to appear at the judge's chambers, a rule for a writ of attachment was taken, returnable on the 15th. On that day the attachment issued. The marshal charged with its service was resisted; and Judge Lander and his clerk were arrested by a company of volunteers, commanded by Captain Bluford Miller of Oregon. The clerk was not detained in custody; but Judge Lander, refusing to suspend the court during the pending of the proclamation of the executive, was sent a prisoner to Camp Montgomery in Pierce county, where he continued until his release upon May 26, 1856.

On the 23d of May, Judge Chenoweth, having recovered, reached Steilacoom and granted two several writs of *habeas corpus*, directed to Colonel Shaw, one ordering him to produce the body of Judge Lander, and abide the decision of the court as to his right to retain him in custody, and the other relating to three of the prisoners, returnable May 24, 1856. That day had been fixed for admiralty proceedings. Anticipating an attack on the part of the executive, as his proclamation of martial law had not been revoked, the court very wisely summoned a sufficient number of bailiffs to protect its dignity. Judge

Chenoweth also called upon Lieutenant-Colonel Casey, commanding at Fort Steilacoom, for aid should it be required. Colonel Casey declined, but visited Lieutenant Curtis, who was in command of the detachment of volunteers charged with the duty of seeing martial law enforced, and who had been ordered to arrest Judge Chenoweth should he persist in holding court. It was the intention of Colonel Casey, if he could not dissuade that officer, to have addressed the volunteers. The commendable conduct of Lieutenant Curtis made the latter step unnecessary; and the session of the court was not disturbed. Colonel Shaw failing to answer to the writs of *habeas corpus*, an attachment was issued, the judge giving a lengthy opinion, in which the acts of the executive were freely commented upon and censured.

On the 26th of May, proclamations revoking martial law were posted and published. That evening Colonel Shaw was arrested upon the attachment. On the morning of the twenty-seventh, by written request of Governor Stevens, the hearing upon the writ was fixed at the November term, 1856, of the Pierce county district court. The reason for this delay was that the expedition into the Yakima country, of which Colonel Shaw was commander, had been organized and was about to start.

The result of the trial by the military commission of the suspected persons may be interesting in this connection. The court convened at Camp Montgomery on the 20th of May. On the 23d of May, they decided that the offense charged, being "aiding and comforting the enemy," constituted the crime of treason, which could not be tried by a military court. The court adjourned until May 26th, at which time the judge-advocate preferred amended charges. A plea to the jurisdiction was made by the accused, and argued orally by their counsel, but was overruled. The parties pleading not guilty on the 28th of May, the judge-advocate advised, "that the further prosecution of the charges against the accused involved the absence of many valuable officers from the command of the troops, and was therefore seriously interfering with military operations; and, as martial law had been abrogated, that no further proceedings be had against the accused by the court, but that they be turned over to the civil authorities." The court so ordered. The governor, who ordered the trial, approved the proceedings.

On the 29th of May, Captain de Lacy, a member of the military commission, swore out a warrant for the arrest of three of the suspected persons, to answer the charge of "giving aid and comfort to the Indians, with whom the United States were at war," which complaint was investigated by James M. Bachelder, then U. S. commissioner for that district. At the close of the examination, the acting United States district attorney moved the discharge of one of the defendants. The others were discharged by the United States commissioner on the next morning. The evidence and all the proceedings were published; and it must be a matter of regret that the termination of this matter affords so little justification for the violence and injustice used against the persons who were driven from their homes, and branded in times of deep discouragement with being traitors. The outrage upon the constitution and the law, and the humiliation of the judiciary, are graver matters; and, as the actors in this travesty on justice stand most condemned, by direct reference to the record detailing the facts, further reference to the subject is needless. Governor Stevens was shortly afterwards fined by the judge of the second judicial district for contempt of court in refusing to obey the writ of *habeas corpus*.

The sequel is easily told. The conduct of Governor Stevens was most freely discussed, and those acts made the subject of comment. The majority of the people sustained him. His immediate friends and supporters likened the matter to the fining of General Jackson

at New Orleans by Judge Hall. There were many who gave utterance to the thought, that the mantle of that distinguished chieftain had descended to and clothed the hero, who, with a regiment of volunteers at his call, had for the time being overawed and overthrown county courts, contemned their authority, and had twice refused to obey a writ of *habeas corpus*. History does not require the further carrying out of the parallel. It may be summed up in the respective judgments of Judges Hall and Lander. The former fined General Jackson one thousand dollars. Governor Stevens was fined by the latter fifty dollars.

On the 22d of May, 1856, Colonel Shaw called a council of the officers of the Southern and Central Battalions, then at Camp Montgomery. The council unanimously decided that an expedition to the country east of the Cascade Mountains was necessary, and assigned the following reasons: "The mounted volunteers having crossed the mountains, the necessity of protecting the settlements west of the mountains, especially the Puget Sound country, devolved upon the United States infantry commanded by Lieutenant-Colonel Casey. Should the volunteers remain west of the mountains, they assumed that Lieutenant-Colonel Casey would be obliged to go east of the mountains and join Colonel Wright; and that, while infantry were best adapted to the service west of the Cascades, the mounted volunteers could operate to advantage in the regions east. The Yakimas were the leading element of the hostile party. Their main strength must be broken before pursuing individuals or small parties. They asserted that, if Colonel Wright did whip the hostiles with infantry, he could not follow them after a fight. If the volunteers remained west of the mountains, they were powerless to check an enemy over one hundred and fifty miles off. The volunteers must make a fight before going out of service. Sufficient troops would still remain west of the mountains to protect the settlements. It was necessary that depots of provisions should be established in the Yakima country before the winter. The Indians west of the mountains had been repeatedly defeated; whilst those east of the Cascades had never been checked."

Such were the conclusions of the volunteer council of war held at Camp Montgomery. It is a matter of regret that, at that time (it does not matter upon whom the censure should be cast), there existed a feeling of mistrust between the United States troops operating in Washington Territory, and the territorial volunteer forces. Many at that time (the officers of the regular army without exception) contended that, since early in 1856, volunteers had not been required for the protection of the settlements in the vicinity of Puget Sound. And the reason assigned by that council of war, "that the volunteers must make a fight before going out of service," was the concession by that organization that a campaign east of the mountains and a battle with the hostiles were essential to justify the policy of the executive in having so long maintained the volunteer force as a separate organization. In this connection, it is proper to remark that, on the 15th of March, 1856, Colonel Casey, U. S. Army, had made a requisition on Governor Stevens for two companies of volunteers, stating in such request that, with that force and the United States troops under his command, he could protect the frontier without the assistance of the territorial volunteers. That requisition was not complied with. On the 1st of June, Colonel Casey had again informed the governor that he had regular troops enough to give protection to the inhabitants of this portion of the territory. At the same time, Colonel Wright, U. S. Army, with a large force of troops, was conducting a campaign in the Yakima country. The Indians west of the mountains had been whipped. East of the mountains, in the Yakima country, a truce had been agreed upon by Colonel Wright with the Yakima



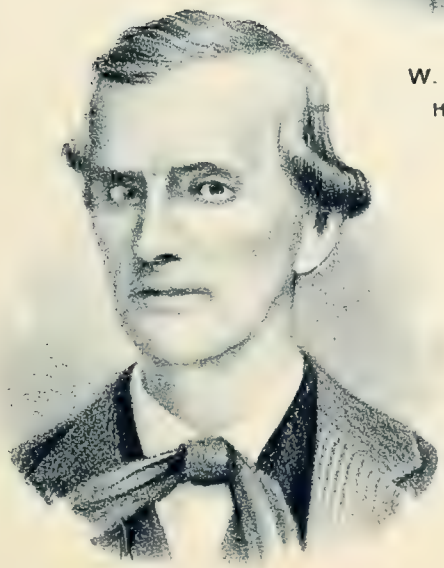
HAMAN C. LEWIS,
CORVALLIS, OR.



ALFRED HOVENDEN,
HUBBARD, OR.



W. L. ADAMS, M. D.,
HOOD RIVER, OR.



GEO. F. HERBERT,
DALLES, OR.



MRS. E. A. CATES,
DALLES, OR.

and other hostile tribes. Governor Stevens maintained with equal pertinacity the positions assumed by him. The people of the territory, jealous of the reputation of its gallant volunteers, justly indignant at the cruel slanders which General Wool had uttered against them, ardently and most justifiably coveting revenge and retribution upon the Indians who had without provocation commenced this war by the treacherous murder of many of their fellow countrymen, with almost entire unanimity approved the expedition conducted by Lieutenant-Colonel Shaw east of the Cascade Mountains into the country of the hostiles, against those tribes who not only had been hostile, but were at the time harboring Leschi, Quiemuth, Nelson, Kitsap and the chieftains who had committed the massacres on Puget Sound.

Lieutenant-Colonel Shaw crossed the Cascade Mountains by the Nahchess Pass and camped on the Wenass on the 20th of June, having lost but one animal. He there sent out scouting parties, who encountered no hostile Indians, but found the camp of Colonel Wright, U. S. Army, on the Upper Yakima, with eight companies of regulars. That officer had a short time before held a council, but had failed to make a treaty. A number of Yakima chiefs had been present, as also Leschi, Kitsap and Nelson of the Puget Sound hostiles. Lieutenant-Colonel Shaw's expedition moved forward down the Wenass to near its mouth, thence over the Atahnam and Nahchess to the big bend of the Yakima, thence directly across the country to the Columbia river at the mouth of the Umatilla, some twenty-five miles below Fort Walla Walla. On the 30th of June, two canoes manned by four Indians were observed. Upon being ordered to come in by Colonel Shaw, they refused, and were fired upon, though at a distance of five hundred yards. The Indians abandoned one canoe, which a volunteer swam to and brought in. The Indians made their escape unhurt. Lieutenant-Colonel Shaw gives as his reason for crossing the Yakima country without delay, that both Colonels Wright and Casey, U. S. Army, had informed him that they had ample forces for the protection of the Yakima region and the settlements west of the mountains. Everything indicated, at that time, that the regulars in the field repelled the assistance of the volunteers, believing their presence entirely unnecessary.

About that time, Governor Stevens had proposed a joint operation of the volunteers and regulars for a campaign into the Yakima country, the volunteers to cross over the Snoqualmic Pass, and the regulars by the Nahchess Pass. Colonel Casey declined the joint campaign, and sent two companies of infantry, by way of The Dalles, to reinforce Colonel Wright. Captain W. W. de Lacy, having returned from a reconnaissance of the Snoqualmic Pass, reported its impracticability at this season, on account of the great delay it would occasion to the crossing of wagons. The Nahchess Pass was adopted, and the Snoqualmic route abandoned. Messrs. Coffee and Sharp, two of the volunteers, successfully carried an express to the camp of Colonel Wright, apprising him of the projected movement of the volunteers. Lieutenant-Colonel Shaw marched from Camp Montgomery on the 12th of June, with a force consisting of four companies of the Central and Southern Battalions, Majors Blankenship and Maxon, viz.: Company C, Captain Henness; Mounted Rifles, Major Maxon; Company D, Lieutenant Powell; and Company J, Captain Miller,—numbering one hundred and seventy-five officers and men. Captain C. H. Armstrong accompanied as quartermaster and commissary of the expedition, and was in charge of one hundred and seven pack animals and twenty-seven packers. The companies of Captains Goff and Williams being fully recruited on the Columbia river, and numbering one hundred and fifty-six men, rank and file, left The Dalles on the 22d of June, with orders to join Colonel Shaw at Walla Walla. A train of forty-five

wagons and thirty-five pack animals accompanied in charge of A. H. Robie, quartermaster and commissary.

In the early part of July, the Nez Perces evincing a hostile disposition, Lieutenant-Colonel Shaw went among them, held a conference and received from them assurances of peace. The preliminaries were arranged for a general council to be held with the Nez Perces, Spokanes and other Indians who had not heretofore acted with the hostiles.

On the 9th of July, the two expeditions came together on Mill creek, in the Walla Walla country, excepting Captain Goff's detachment of sixty-eight men. He had separated from the train on the Umatilla river on the 6th of July, to reinforce Major Layton of the Oregon Volunteers, who had informed Captain Goff that he had overtaken a large band of Indians, at the head of John Day's river, too numerous for him to attack prudently. Captain Goff's force reached Layton's camp on the ninth; but the Indians had a few hours previously retired. The two commands followed up John Day's river to Red Bluff without encountering Indians. Captain Goff, being severely ill, sent forward Lieutenant Hunter and twenty-eight men to join Major Layton with his force of forty-five men. Captain Goff followed two days later, and, on the 17th of July, overtook Major Layton and Lieutenant Hunter on Burnt river. On the fifteenth, which was the day Major Layton and Lieutenant Hunter had reached Burnt river, Second Lieutenant Eustus, Company N, and privates Smith and Richardson of Company K, proposed going to an adjacent hill to reconnoiter. Before reaching the summit, they were fired upon from an ambush. The two former were instantly killed; but the latter made his escape into camp. Hearing the firing in camp, Lieutenant Hunter, with ten men, marched to their relief, drove the Indians from the hill, and recovered the bodies of Eustus and Smith. The Indians that night surrounded the camp to prevent expresses being sent out, and in the morning were still on three sides of the camp. Firing continued until three o'clock, one private, James Cheney, Company K, being wounded. Lieutenant Hunter then charged the Indians, killing three, wounding one, and killing a horse. Major Layton then joined his force to Lieutenant Hunter's party; and the firing was renewed, lasting until six o'clock, four more Indians being slain. The Indians retreated during the night. On the eighteenth, the command left Burnt river, struck the emigrant road, and reached the camp on Mill creek on the 25th of July.

To resume the operations of the main expedition under Lieutenant-Colonel Shaw: Having strengthened the post on Mill creek, and secured the services of a Nez Perce chief (Captain John) for a guide, Colonel Shaw, with one hundred and sixty men and officers, and a pack train with ten days' rations, left Mill creek on the night of the 14th of July for Grand Ronde, where they arrived on the evening of the sixteenth. His official report thus stated the operations of his command:

"On the morning of the seventeenth, leaving Major Blankenship of the Central, and Captain Miller of the Southern, Battalion, assisted by Captain de Lacy, to take up the line of march for the main valley, I proceeded ahead to reconnoiter, accompanied by Major Maxon, Michael Marchmean, Captain John and Dr. Burns. After proceeding for about five miles, we ascended a knoll in the valley, from where we discovered dust arising along the timber of the river. I immediately sent Major Maxon and Captain John forward to reconnoiter, and returned to hurry up the command, which was not far distant. The command was instantly formed in order. Captain Miller's company was in advance, supported by Maxon's, Henness' and Powell's companies, leaving the pack train in charge of the guard under Lieutenant Goodwin, with a detachment of Goff's company under

Lieutenant Wait, and Lieutenant Williams' company in reserve, with orders to follow on after the command. The whole company moved on quietly in this order until within half a mile of the Indian village, where we discovered that the pack train had moved to the left, down the Grand Ronde river. At this moment, a large body of warriors came forward, singing and whooping, one of them waving a white man's scalp on a pole. One of them signified a desire to speak. Whereupon I sent Captain John to meet him, and formed the command in line of battle. When Captain John came up to the Indians, they cried out to one another to shoot him. Whereupon he retreated to the command; and I ordered the four companies to charge.

"The design of the enemy evidently was to draw us into the brush along the river, where, from our exposed position, they would have the advantage, they no doubt having placed an ambush there. To avoid this, I charged down the river towards the pack train. The warriors then split, part going across the river, and part down towards the pack train. These we soon overtook and engaged. The charge was vigorous and so well sustained that they were broken, dispersed and slain before us. After a short time, I sent Captain Miller to the left, and Major Maxon to the right, the latter to cross the stream and cut them off from a point near which a large body of warriors had collected, apparently to fight; while I moved forward with the commands of Captain Henness and Lieutenant Powell to attack them in front.

"The major could not cross the river; and, on our moving forward, the enemy fled after firing a few guns, part taking to the left, and part continuing forward. Those who took to the left fell in with Captain Miller's company, who killed five on the spot; and the rest were not less successful in the pursuit, which was continued to the crossing of the river, where the enemy had taken a stand to defend the ford. Being here rejoined by Captain Miller, and by Lieutenant Curtis with part of Maxon's company, we fired a volley; and I ordered a charge across the river, which was gallantly executed. In doing this, private Shirley Ensign, of Henness' company, who was in the front, was wounded in the face. Several of the enemy were killed at this point. We continued the pursuit until the enemy had reached the rocky cañons leading towards Powder river, and had commenced scattering in every direction, when, finding that I had but five men with me, and that the rest of the command were scattered in the rear, most of the horses being completely exhausted, I called a halt and fell back, calculating to remount the men on the captured horses, and to continue the pursuit after night.

"I found the pack train, guard and reserve encamped on a small creek not far from the crossing, as I had previously ordered them to do, and learned that a body of the enemy had followed them up all day, had annoyed them, but had inflicted no damage beyond capturing many of the animals which we had taken in the charge and left behind.

"I learned, also, that Major Maxon had crossed the river with a small party, that he was engaged with the enemy, and wanted assistance. I immediately dispatched a detachment under Lieutenants Williams and Wait, sending the man who brought the information back with them as a guide. They returned after dark without finding the major, but brought in one of his men, whom they found in the brush, and who stated that one of the major's men had been killed, and that the last he saw of them they were fighting with the Indians. At daylight, I sent out Captain Miller with seventy men, who scouted around the whole valley, without finding him, but who, unfortunately, had one man killed and another wounded while pursuing some Indians. I resolved to move camp next day to the head of the valley, where the emigrant trail crosses it, and continue the

search until we became certain of their fate. The same evening, I took sixty men under Captain Henness, and struck upon the mountain and crossed the heads of the cañons to see if I could not strike his trail. Finding no sign, I returned to the place where the major had last been seen, and there made search in different directions, and finally found the body of one of the men (Tooley), and where the major had encamped in the brush. From other signs, it became evident to me that the major had returned to the post by the same trail he had first entered the valley.

"Being nearly out of provisions, and unable to follow the Indians from this delay, I concluded to return to camp, and recruit for another expedition in conjunction with Captain Goff, who had, I presumed, returned from his expedition to John Day's river.

"I should have mentioned previously, that in the charge the command captured and afterwards destroyed one hundred and fifty horse-loads of lacamas, dried beef, tents, some flour, coffee, sugar and about one hundred pounds of ammunition and a great quantity of tools and kitchen-ware. We took also about two hundred horses, most of which were shot, there being but about one hundred serviceable animals.

"There were present on the ground from what I saw, and from information received from two squaws taken prisoners, about three hundred warriors of the Cayuse, Walla Walla, Umatilla, Tyh, John Day and Des Chutes tribes, commanded by the following chiefs: Stock Whitley, Sim-mis-tas-tas, Des Chutes, Tyh, Chick-iah, Plyon, Wic-e-cai, Wat-ah-stuar-tih, Win-imi-swoot, Tah-kin, Cayuse, the son of Peu-peu-mox-mox, Walla Wallam, and other chiefs of less note.

"The whole command, officers and men, behaved well. The enemy were run on the gallop for fifteen miles; and most of those who fell were shot with the revolver. It is impossible to state how many of the enemy were killed. Twenty-seven bodies were counted by one individual; and many others we know to have fallen and been left, but who were so scattered about that it was impossible to count them. When to these we add those killed by Major Maxon's command on the other side of the river, we may safely conclude that at least forty of the enemy were slain, and that many went off wounded. When we left the valley, there was not an Indian in it; and all the signs went to show that they had gone a great distance from it.

"On the twenty-first, we left the valley by the emigrant road, and commenced our return to camp. During the night, Lieutenant Hunter of the Washington Territory Volunteers came into camp with an express from Captain Goff. I learned, to my surprise, that the captain and Major Layton had seen Indians on John Day's river, had followed them over to the head of Burnt river, and had had a fight with them in which Lieutenant Eustus and one private were killed, and some seven Indians. They were shaping their course for the Grand Ronde valley, and had sent for provisions and fresh horses. I immediately sent Lieutenant Williams back with all my spare provisions and horses, and continued my march. On Wild Horse creek, I came across Mr. Files, a pack master, who had been left in camp, and who informed me, to my extreme satisfaction, that Major Maxon and his command had arrived safe in camp, and were then near us with provisions and ammunition. These I sent on immediately to Captain Goff.

"I learned that Major Maxon had been attacked in the valley by a large force of Indians on the day of the fight, but had gained the brush and killed many of them; that at night he tried to find our camp, and, hearing a noise like a child crying, probably one of the captured squaws, had concluded that my command had gone on to Powder river, and that the Indians had returned to the valley by another cañon. He moved his position that



HENRY BOWMAN,
PENDLETON, OR.

night, and the next day saw the scout looking for him, but in the distance thought he was one of a band of Indians hunting his trail. Conceiving himself cut off from the command, he thought it best to return to this camp, thinking that we would be on our way back to Grand Ronde with provisions and ammunition. Surgeon's report of killed and wounded in the engagement on Burnt river and the Grand Ronde on the 15th and 16th of July, 1856: Lieutenant Eustus, Company N, killed, residence Luckiamute, O. T.; Daniel Smith, Company K, killed, residence French Prairie, Oregon; James Cheney, Company K, wounded in the thigh slightly, residence Oregon; Wm. F. Tooley, Company A, killed, residence Cape Horn Mountain; Wm. Irven, Company A, killed, residence Vancouver, W. T.; Wm. Holmes, Company K, killed, residence Thurston county, W. T.; Thomas Como, Company A, dangerously wounded, residence Vancouver, W. T.; Shirley Ensign, Company C, wounded in the nose and cheek; Wm. Downy, Company D, slightly wounded in the knee with an arrow; T. N. Lilley, Company J, forearm fractured and head cut by an Indian with an empty gun."

This was the last action of the volunteers before their final disbanding, which occurred on the 3d of October, 1856.

Chapter LIV.

(1856.)

Campaign of the Regulars West of the Cascade Mountains — Condition of Puget Sound, December, 1855 — Pacific Department Reinforced by the Ninth Infantry Regiment — Two Companies Ordered to Fort Steilacoom — Lieutenant-Colonel Casey in command of Puget Sound District — Six Companies Ordered to Columbia River — Colonel George Wright in command of Columbia District — Lieutenant-Colonel Casey Establishes a Blockhouse at Muckleshoot Prairie — Killing of Kanaskat, the Hostile Chief — Fight with Indians at the Crossing of White River — Requisition of Lieutenant-Colonel Casey on the Governor of Washington Territory for Two Companies of Volunteer Infantry — Governor Stevens Declines — Expeditions to Stuck Prairie, Boise Creek and D'Wamish Lake — Expedition Under Captains Dent, Pickett and Fletcher to the Green and Cedar River Country — Major Garnett's Command of Two Companies Ordered to Join Colonel Wright East of the Cascades.

IN THE early part of 1856, the inhabitants of Puget Sound were in a condition of discouragement and despondency. The hostiles infested the region from Green river to within a few miles of Fort Steilacoom. South of that they were restricted to the towns and blockhouses. Military operations had in great measure been suspended, because of the features and condition of the country. From incessant rains, the streams had swollen so as to become almost impassable; and the roads were so muddy as to retard the movement of troops, not to say to defeat operations entirely. Both regulars and volunteers had been withdrawn from the outer sections, where the hostiles had their haunts and hiding-places. In the main they remained in and around towns, prepared to act upon the defensive, and occasionally to repel a hostile demonstration.

On the 3d of December, 1855, the order was given for the Ninth Infantry Regiment, U. S. Army, to reinforce the Department of the Pacific. Of this regiment, two companies, Captains Pickett (1) and Guthrie, were to operate in the Puget Sound district, of which Lieutenant-Colonel Silas Casey was the commanding officer, superseding Captain E. D. Keyes. The remaining six companies were ordered to the Columbia district, of which Colonel George Wright had become the commanding officer.

(1) George E. Pickett was born at Richmond, Virginia, January 25, 1825. He died at Norfolk July 30, 1875. He entered West Point as a cadet from Illinois, and graduated in the class of 1846. He was commissioned second lieutenant of the Second Infantry Regiment, U. S. Army, March 3, 1847. He was present at the siege of Vera Cruz, and in all the battles preceding the capture of the City of Mexico. He was transferred to the Seventh Infantry July 13, 1847, and to the Eighth Infantry July 18, 1847. He was brevetted a first lieutenant September 8, 1847, for gallant and meritorious conduct at Contreras and Churubusco, and captain September 13th, for gallant conduct at Chapultepec. He was commissioned captain of the Ninth Infantry March 3, 1855.

He distinguished himself in the Indian war on Puget Sound in 1856, and was afterwards stationed at Fort Bellingham. In 1859, with sixty men, he was detailed by General Harney, then commanding the Department of the Columbia, to occupy San Juan Island. Sir James Douglas sent three British vessels of war to eject him. He forbade their landing, and threatened to fire if they attempted it. The admiral opportunely arrived; and a peace was patched up between that officer and General Scott, Commander-in-Chief of the United States Army. For his gallantry, the Legislative Assembly of the territory unanimously accorded him a vote of thanks. He resigned from the United States Army June 25, 1861, and soon after accepted a commission from his native state (Virginia) as a colonel of the state forces. In February, 1862, he was made a brigadier-general in General Longstreet's division of J. E. Johnston's army, then called "Potomac," but later the Army of Virginia. His brigade, in the retreat before General McClellan in the Peninsula campaign, and in the Seven Days' Battles, was known as the "Game-Cock Brigade." He was severely wounded in the shoulder in the Battle of Gaines' Mills, June 27, 1862, and continued out of the service until after the first Maryland campaign. He was then made general of a division of native Virginians. At the Battle of Fredericksburg, he held the center, and made his name immortal in the charge at Gettysburg, July 3, 1863. In May, 1864, he defended Petersburg. At Five Forks, his division received the whole force of the Union attack. He retired to Richmond after the war, and devoted the balance of his days to life insurance.

Lieutenant-Colonel Casey (1) with the two companies of the Ninth Infantry (Guthrie and Pickett), arrived at Fort Steilacoom on the 29th of January, 1856. The force at Steilacoom was thereby augmented to four companies of infantry and one of artillery.

The first movement of Lieutenant-Colonel Casey was to establish a blockhouse at Muckleshoot Prairie, making it his central position, and keeping the communication open between it and Fort Steilacoom by the blockhouse and ferry at the crossing of the Puyallup. Lieutenant-Colonel Casey took the field in person on the 25th of February. The command remained at the Puyallup blockhouse till the morning of the twenty-seventh, when they marched to Lemmon's Prairie and camped. It was at this camp that Kanaskat, the leading spirit of the hostile combination, met his death, as he stealthily approached the camp of Lieutenant-Colonel Casey to assassinate that distinguished officer. Captain Keyes was second in command, and was officer of the day. He has graphically described the killing of Kanaskat by Private Kehl, of Company D, Ninth Infantry. Captain Keyes had personally inspected all the surroundings of the camp, had located the posts at which the picket guards were to be stationed, and had personally addressed the guards. He goes on (2):

"Private Kehl, with his two companions, went to the post assigned them. In the morning, soon after five o'clock, Kehl was standing sentinel under the tree. It was before daybreak. But the cooks had already lighted their fires; and the watchful soldier saw a gleam of light reflected from the barrel of a rifle a hundred yards up the trail beyond the bend. Then in a few minutes he saw five Indians in single file creeping stealthily down the hill. The one in front was waving his right hand backward to caution the men who followed him. Kehl stood motionless till the leader came nearly abreast of him. Then with deliberate aim he fired; and the great chief Kanaskat fell. At the report of his shot, I ran out to the bridge, where I heard Sergeant Newton, forty yards beyond, cry out, 'We've got an Indian!' He and another man were dragging him along by the heels. The savage had received a shot through the spine, which paralyzed his legs; but the strength of his arms and voice was not affected. He made motions as if to draw a knife. I ordered two soldiers to hold him; and it required all their strength to do so. As they dragged him across the bridge, I followed; and he continued to call out in a language I did not understand. Some one came up who recognized the wounded Indian, and exclaimed, 'Kanaskat.' 'Nawitka!' said he, with tremendous energy, his voice rising to a scream, 'Kanaskat, tyee, mamelouse nica! Nica mamelouse Bostons!' (Yes, Kanaskat, chief, kill me! I kill Bostons!) He added, 'My heart is wicked towards the Whites, and always will be; and you had better kill me!' Then he began to call out in his native language, not a word of which could any of us understand. I ordered two soldiers to stop his mouth; but they were unable to do so. He appeared to be calling for his comrades. Two other shots were fired from the pickets on the hill; when Corporal O'Shaughnessy,

(1) Silas Casey, Brevet Major-General, U. S. Army, was born at East Greenwich, Rhode Island, January 12, 1807. He died at Brooklyn, New York, January 22, 1882. He graduated from the West Point military academy in the class of 1826, and entered the Second Infantry. He was on garrison duty till 1836, being commissioned first lieutenant June 28, 1836. He served under General Worth in the Seminole War from 1837 to 1842, in the meantime having become captain, July 1, 1839. He served with great distinction in the war with Mexico, and was brevetted major August 20, 1847, for gallant conduct at Contreras and Churubusco. He was at Molino del Rey. While leading the assaulting column at Chapultepec, he was severely wounded, and was brevetted lieutenant-colonel September 13, 1847. The legislature of his native state also extended him a vote of thanks. He received the appointment of lieutenant-colonel of the Ninth Infantry, March 3, 1855. During the years 1854–55, he served with great satisfaction on the board upon breach-loading arms. On December 3, 1855, his regiment was ordered to reinforce the Department of the Pacific; and, in February, he arrived at Fort Steilacoom. He was commanding officer of the district of Puget Sound during the years 1856–59. On the 31st of August, 1861, he was commissioned brigadier-general, and assigned to the charge of organizing volunteers near Washington City. Subsequently he was assigned a division in General Keyes' corps, Army of the Potomac. Commanding the eastern advance upon Richmond, he received the first attack at Fair Oaks, May 31, 1862. For distinguished gallantry, he was brevetted brigadier-general, U. S. Army, and major-general of volunteers. From 1863 to 1865, he served as the president of the board for the examination of officers to command colored troops. March 13, 1865, he was brevetted major-general, U. S. Army. July 8, 1868, he was retired from active service, and served on the retiring board at New York until April 26, 1869. He was the author of a system of infantry tactics, two volumes, published, 1861, and infantry tactics for colored troops, published in one volume in 1863. During his service in Washington Territory, he endeared himself to all with whom he came in contact by his genial and affable deportment, his conscientious devotion to duty, his zealous interest in the territory, and his earnest effort to restore peace.

(2) 'Fifty Years' Observation of Men and Events,' by General E. D. Keyes, page 250.

who was standing by, placed the muzzle of his rifle close to the chieftain's temple, blew a hole through his head, and scattered his brains about."

Lieutenant-Colonel Casey left Lemmon's Prairie on the morning of March 1st. At about noon, he received a note sent by Lieutenant August V. Kautz, Fourth Infantry (1), communicating the intelligence that he, Kautz, with his company, were at the crossing of the White river, two miles above Muckleshoot, cut off from camp by a large body of Indians in his rear, and that he had determined to hold his position. He had intrenched his command within a mass of driftwood and dead timber collected upon the river bank. At one o'clock, the Indians commenced firing from across the river into his camp, wounding two of his men. Colonel Casey immediately detached Captain Keyes to go to the relief of Lieutenant Kautz. Captain Keyes thus described the operations on that day (2):

"I took the Indian boy, who was only fifteen years old, as a guide. We pushed forward with all possible speed a distance of eight or nine miles; but, instead of leading me to the ford, the young rascal conducted me to a point half a mile below, where the contracted torrent was absolutely impassable. I called the boy to me and told him to show me the crossing, or I would shoot him on the spot. He replied 'Nica cumtux' (I know) and led the way through the woods to a place where the river spread out to three times its width below. I ordered the soldiers to fasten their cartridge boxes about their shoulders; and then we dashed in and passed over without accident, although the water, which was icy cold, came up to the armpits of the small men, and ran like a millrace. Between the water's edge and the bluff on the opposite side of the river was a grass-covered slope about two hundred yards wide. The bluff on the bank was not high; and it was so thickly covered with trees and brush that not an enemy could be seen. I deployed my men as skirmishers; and Kautz, who had left the wood-pile, did the same; and I ordered the whole to charge. The Indians fired a volley enough to kill every one of us; but they aimed too high, and only one man was struck; and that was Lieutenant Kautz. A rifle ball passed through his leg; but I was not aware that he had been wounded until the battle was over. After one discharge, the Indians ran; and we pursued them through the woods half a mile, at double-quick time, to the base of a steep hill, on the brow of which they made a stand, and, with derisive epithets, dared us to come on. The slope of the hill for a distance of two hundred yards was bare; and at the top were many large standing and fallen trees, which afforded cover to the enemy and gave him a great advantage.

"Lieutenant David B. McKibbin of Guthrie's company, Ninth Infantry, was in line with the front rank; and, when half way up the hill, the savages arose with a whoop and opened fire. Several soldiers fell; but McKibbin's gallantry encouraged the others, and

(1) August V. Kautz was born at Ispringer, Baden, January 5, 1828. His parents settled in Brown county, Ohio, in 1832. Young Kautz served during the Mexican War, in the First Regiment of Ohio volunteers, and upon his discharge went to the West Point military academy, from whence he graduated in the class of 1852. He was assigned to the Fourth Infantry as second lieutenant, and came to Washington Territory. In 1855, he was promoted to a first lieutenancy. He distinguished himself in the campaign upon the Sound, 1855–56, in which he was wounded in a battle at the crossing of White river. Surrounded by the whole force of the hostiles, with a mere skeleton company which he commanded, he stationed his men behind driftwood and timber collected on the edge of the stream, sent word to Colonel Casey, who was some miles distant, and patiently waited attack. On the approach of reinforcements, he left his improvised defense and joined in the charge. In this action (the last west of the Cascade Mountains against the hostiles in force), he was severely wounded, but never made it known until the troops went into camp. In 1857, he was commended by General Scott for his conspicuous gallantry and devotion to duty. In 1859–60 he traveled in Europe. In 1861, on the breaking out of the Rebellion, he was commissioned captain in the Sixth Cavalry, U. S. Army, in which capacity he served until about the close of the Seven Days' Battles. Before the Battle of South Mountain, he had been transferred to the Second Cavalry, of which he was appointed colonel. On the 24th of October, 1864, he was brevetted major-general of volunteers. In March, 1865, he was assigned to the command of a division of colored troops, which he marched into the city of Richmond April 3d. Later he was brevetted brigadier-general, U. S. Army, for gallant and meritorious service during the war. In 1866, he was appointed lieutenant-colonel of the Thirty-Fourth Infantry, and in June, 1874, colonel of the Eighth Infantry, U. S. Army.

He was the author of "The Company Clerk," published in 1863, "The Customs of Service for Non-Commissioned Officers," 1864, and "The Customs of Service for Officers," 1866. In the *Century Magazine* of October, 1888, he evolved a plan for the reform of the service. Instead of recruiting in the big cities and making the slums contribute the soldiery, he proposed that recruits should come from each congressional district throughout the Union, proportionate to their population; that young men of character should pass an examination; and that garrisons should be schools of instruction, and each enlisted man taught. If war should render necessary the calling out of volunteers, at these schools would be found educated soldiers, competent at once to act as officers.

In the early days, when General Kautz served in the defense of our settlements, he made judicious investments, which now in his green old age have made him wealthy.

(2) "Fifty Years' Observation of Men and Events," page 258.



DAVID MARSH,
COLFAX, W.T.

not one flinched. I was at that moment just coming up the slope of the hill; and we all pressed forward, and in a short time our victory was complete. Our number engaged was one hundred; and we lost two killed and eight wounded. The smallness of the loss was probably due to the bravery of the men, who rushed upon the Indians, disconcerting them; and fifty of their shots went over our heads for every one that took effect." Closing his official report, Captain Keyes remarked: "We have now the good fortune of having completely routed the Indians. Our next difficulty will be to find them."

On the 5th of March, Captain Keyes, with one hundred and twenty men, was sent to attack the main camp of the hostiles, which was six miles from Muckleshoot, towards Porter's Prairie, in the middle of a dense swamp defended by a breastwork of logs with loopholes. The Indians had, however, made their escape the night before. Captain Keyes thus described the remaining service performed on that campaign: "We hunted and pursued them almost without intermission night or day for two months over hills and dales, through swamps and thickets. It rained more than half the time; and the influence of Mount Rainier and its vast, eternal covering of snow upon the temperature made the nights excessively cold. The hardships of that campaign, in which the pluck of Kautz, Suckley, Mendell and several others was so severely tested, caused me afterwards to regard the seven days' fight before Richmond as a comparative recreation" (1). In that action of March 1st, brought on by the cool determination of Lieutenant Kautz, and gallantly finished by Captains Keyes, Kautz and McKibbin, the entire hostile forces west of the Cascades were present. That defeat, together with the death of Kanaskat, their ablest and most desperate leader in the Puget Sound forays, broke the spirits of the Indians; and they from that time dissevered, scattered in small parties, hid themselves, crossed the mountains, and joined the camps of the Yakimas.

On the 14th of March, Lieutenant-Colonel Casey was further reinforced by the arrival of two companies of the Ninth Infantry (Captains Fletcher and Dent), under Major Garnett (2), accompanied by Lieutenant George H. Mendell, as topographical engineer. On the 15th of March, Colonel Casey addressed the governor of Washington Territory: "I respectfully request that you will at once issue your proclamation calling into the service of the United States two companies of volunteers to serve on foot, for the period of four months unless sooner discharged, each company to consist of one captain, one first and one second lieutenant, four sergeants, four corporals and seventy privates. I wish both companies to be mustered into service at Fort Steilacoom. The authority for calling for the above-named troops has been given by the general commanding the Department of the Pacific.

"I received yesterday an accession of two companies of the Ninth Infantry. With this accession of force, and the two companies of volunteers called for, I am of the opinion that I shall have a sufficient number of troops to protect this frontier without the aid of those now in the service of the territory."

(1) "Fifty Years' Observation of Men and Events," page 2[illegible]

(2) Robert Selden Garnett was born in Essex county, Virginia, December 16, 1819. He was killed in battle at Carrick's Ford, Virginia, July 13, 1861. He graduated at West Point, class of 1841, and was assigned to the artillery with the rank of second lieutenant. He was assistant instructor in infantry tactics at the academy from July, 1843 to October, 1844. He acted as aid to General Wool in 1845. He served with distinction in the Mexican War. He was present at the battles of Palo Alto and Resaca de la Palma, at which time he was promoted to a first lieutenancy. He was brevetted captain and major for gallantry at Monterey and Buena Vista. He was commissioned captain of infantry in 1851, and was appointed major of the Ninth Infantry March 27, 1855. He served with conspicuous gallantry in the Oregon-Washington Indian war in 1856, both east and west of the Cascade Mountains, and in the Clark-Wright campaign of 1858. At the breaking out of the Rebellion, he was traveling in Europe. He immediately returned to the United States, and resigned his commission in the army, April 30, 1861. He was appointed adjutant-general of Virginia state troops, with the rank of colonel. On the 6th of June, 1861, he was commissioned brigadier-general in the Confederate service. On the 13th of July, 1861, when General Pegram had been surrounded in Western Virginia by General McClellan, and had attempted to retreat upon Beverly, and was overtaken at Carrick's Ford on Cheat river, General Garnett took command of a detachment and attempted to retreat. His army was routed, and he killed in the engagement. While in this territory, the then Major Garnett was one of the most popular and esteemed army officers on duty in the Indian war.

To which Governor Stevens replied: "I have received your letter of the fifteenth instant, advising me of an accession to your command of two companies of regulars, and requesting me to issue my proclamation calling into the service of the United States two companies of volunteers to serve on foot, for the period of four months, unless sooner discharged. These companies you wish to be mustered into the service at Fort Steilacoom. You also express the opinion that if this requisition be complied with, that you will have a sufficient number of troops to protect this frontier without the aid of those now in the service of the territory. I am also advised that you have been authorized to make this requisition for troops by the general commanding the Department of the Pacific. You have been informed by me not only of the volunteer force which had been called out to protect the settlements, and to wage war upon the Indians, but of the plan of campaign which I have adopted, of the positions which these troops occupy, and of the blows already struck by them against the enemy. I take it for granted that this information has been communicated to General Wool, and has been considered by him in his official action. In the two visits which I have made to Steilacoom to confer with you, one of them made at a great personal inconvenience, I have waived etiquette in my anxious desire to co-operate with the regular service. I have communicated unreservedly my plans and views, and have endeavored, so far as my operations were concerned, to conduct affairs in a way to insure the whole force operating as a unit in the prosecution of the war. I am happy to say that, in our several interviews and communications, you have met me in the same spirit of co-operation to the extent that the impression has been made upon my mind, that such disposition had been made of the volunteers as, in your opinion, would make them an efficient element in the general combination.

"Now your requisition on me to issue my proclamation to call into the service of the United States two companies of volunteers, in the connection with the expression of your opinion, that, if the call were complied with, the services of the troops now in the service of the territory may be dispensed with, is, in fact, a call upon me to withdraw all the troops now in the field, with their sixty to eighty days' provisions, to abandon the blockhouses, to leave the settlements both north and south open to attacks of the marauding Indians, and, at the very moment when our troops are prepared to strike a, and perhaps the, decisive blow, to abandon the campaign and reorganize anew.

"Are you aware that in the patriotic response of the citizens of this territory to the call of the executive, over one-half of our able-bodied men are bearing arms, that the people are almost entirely living in blockhouses, and that it is entirely beyond the ability of our citizens to form an additional company of fifty men? The two companies you call for can, therefore, not be raised except by withdrawing troops and abandoning the campaign at the very moment when the prospects are flattering to end the war. For the reasons above, it will be impossible to comply with your requisition. Nor can I suppose that, in making the requisition, either Major-General Wool or yourself believed for a moment that the requisition would be seriously entertained by me. But I am of the opinion that, even were the requisition complied with, your force would not be adequate to the protection of the frontier and the settlements. Having the highest respect for your opinion, knowing how cautiously and carefully you approach any field of labor, and how thoroughly you investigate it and reach your conclusions, I am constrained to express my judgment that you would soon be obliged to call for an additional force fully equal, in all, to the force which has been called out by my previous proclamations. In such a case, I have no alternative but to act according to my deliberate judgment; for if, waiving my own judgment to yours, injury should result, the responsibility would attach to me no less than

to yourself. Otherwise, why is the militia organized, and the executive made its commander-in-chief? It is to meet emergencies like the present. But were it practicable to comply with your requisition, and were these requisitions in my judgment competent, I should not deem it expedient to place the force thus raised under the command of the officers of the regular service.

"The war has now been waged for five months. It is a war emphatically for the defense of the settlements. So much so, that I have ordered to the Sound four companies from the Columbia river; and at this critical period it is important that there should be no changes in the command, nor in the plan of campaign. In view of this, and also in view of the changes of opinion and of plan, on the part of the officer in chief command on this coast, growing out of a want of proper understanding of the difficulties to be encountered, I am of the opinion that the whole force will be more efficient, and that there will be a better spirit of co-operation, if the regular and volunteer services are kept distinct. Be this as it may, the campaign is, I trust, approaching its consummation; and changes of plan can only be fraught with mischief.

"The citizens of this territory have very great confidence in the officers of the regular service; and especially is this the case with the people of the Sound. These relations have been more than cordial. These are the witnesses of the efficiency of the troops stationed here; and their gratitude has been announced on several occasions since the organization of the territory. The force now in the field has not been mustered into the service of the territory, but into the service of the United States. My authority, as the highest federal officer of the territory, is derived from the same source as that of the major-general commanding the Pacific Division. I am commissioned by the President; and I act under the authority of the laws of Congress, and the responsibilities of my oath of office. For these reasons, your requisition cannot be complied with. At the same time, you may rest assured of my doing everything in my power to co-operate with you; and I hope that, through the action of us all, the war may soon be closed, and the suffering inhabitants of the territory be rescued from their present unhappy condition."

Lieutenant-Colonel Casey pursued his plan of operations, notwithstanding this refusal of Governor Stevens, with renewed activity. Parties were detached for the purpose of hunting the places of concealment and the haunts of the small bands into which the main body of the Puget Sound hostiles had disintegrated. On the 18th of March, an expedition was sent to Stuck Prairie, which attacked an Indian village and captured several Indians. Another party went in pursuit of another hostile band on Boise creek. Another detachment proceeded against the Indians camped on Lake D'Wamish. Captain Gansevoort, of the U. S. sloop-of-war *Decatur*, had been requested by Colonel Casey to co-operate in the latter movement; but he declined. Colonel Casey's expedition followed up his purpose, which resulted in those Indians voluntarily coming in, giving themselves up, and consenting to be placed on the reserve. The companies of Dent, Pickett and Fletcher, under Major Garnett, made a march to Meridian Prairie May 13th, and from thence scoured the whole country along both Green and Cedar rivers. The result was that bands of Indians in any considerable number were not to be found. It had been demonstrated that the marauders of Puget Sound had become fugitives; that hostilities on their part had ceased; that no Indian enemy was in the field west of the Cascade Mountains. On the 19th of May, Lieutenant-Colonel Casey reported the war west of the Cascade Mountains ended. On the 21st of May, Major Garnett, with his command of Dent and Fletcher's companies of the Ninth Infantry, was ordered to join Colonel Wright, then prosecuting a campaign on the east side of the Cascade range of mountains.

Chapter LV.

(1856.)

Campaign of Regulars East of the Cascade Mountains — General Wool's Instructions to Colonel Wright — Attack on the Cascades — Massacre of Whites — Siege of the Bradford Store at Upper Cascades — Gallant Defense of Middle Blockhouse by Sergeant Kelly and Eight Men — Attack on Lower Cascades — Lieutenant Phil Sheridan to the Rescue — Trial and Execution of Indians Engaged in Cascade Massacre — Inhuman Massacre by Whites of the Spencer Family — Kamiakin's Design in Stimulating the Uprising of Cascade Indians, and the Raid Upon the Cascade Settlements — Peaceable Excursion of Colonel Wright into the Yakima Country — The Indians Avoid Him — Efforts of the Washington Territory Volunteers to Co-operate with Colonel Wright — Peace in the Yakima Country Announced — Governor Stevens' Attempt to Hold a Council With the Hostile Tribes — Terms of the Treaty — Volunteers Attacked by the Hostiles — Steptoe asks Governor Stevens and Volunteers to Return and Escort Him to the Umatilla — Colonel Wright Ordered by General Wool to March Into the Walla Walla Country — He Delivers Leschi, Quiemuth, Kitsap, Nelson and Stehi to Governor Stevens for Trial — Treaty of Peace With the Hostiles — General Wool Announces the War at an End in Oregon and Washington.

ON THE 29th of January, 1856, General Wool, commanding the Department of the Pacific, gave orders to Colonel George Wright (1) of the Ninth Infantry, commanding the Columbia River district:

"As soon as the season will permit, preparatory for operations in the Indian country east and north of the Cascade Mountains, you will establish the headquarters of your regiment at Fort Dalles, where all the troops intended for said country will be concentrated. The points which I intend as the base of operations are the Selah Fishery, on the Yakima river, and some point in the neighborhood of Walla Walla. It is my intention to establish a permanent post in that region at the most eligible point for controlling the surrounding Indian tribes. Between Fort Dalles and Selah Fishery, an intermediate post, with one company, may be necessary to prevent the Yakimas from taking fish on the tributaries of the Yakima and Columbia." A memoir and sketches of the country accompanied. Referring thereto, General Wool proceeded: "You will perceive it is one hundred miles from Fort Dalles to Selah Fishery, and seventy from the

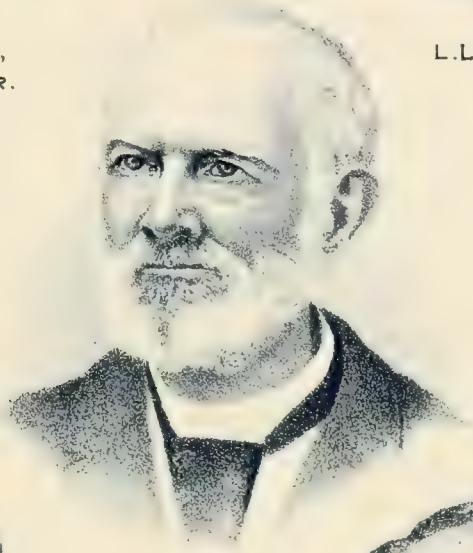
(1) General George Wright was born in Vermont in 1803. He graduated at West Point in the class of 1822, and was assigned to the Third Infantry, U. S. Army. He was promoted to a first lieutenancy September 23, 1827, and to a captaincy October 30, 1836, and was transferred to the Eighth Infantry. He served during the Canada trouble, and at Sacket's Harbor till 1840. He served in the Florida War with the Eighth Infantry until 1844, having been brevetted major. In the war with Mexico, he was in the siege of Vera Cruz and on Scott's line to Molino del Rey, where he commanded the storming party and was severely wounded. He was brevetted colonel May 4, 1848. He was appointed lieutenant-colonel of the Fourth Infantry in 1855. On the 3d of March, 1855, he was appointed colonel of the Ninth Infantry, in which capacity he came to Washington Territory in 1856, and conducted General Wool's campaign in the Yakima country and Walla Walla country during that year. In 1858, he conducted a short, sharp and brilliant campaign against the Spokanes, in which he taught the Indians to respect the United States government, and that they could not with impunity murder American citizens. That campaign ended Indian outbreaks in Washington Territory. At the opening of the Civil War, he was commander of the Department of Oregon, and was transferred, September 28, 1861, to the command of the Department of the Pacific, with the rank of brigadier-general of volunteers. He served in that capacity till 1864, when he was brevetted brigadier-general, U. S. Army, "for long, faithful and meritorious services." He was assigned to the command of the Department of the Columbia, and on his passage thither to take command went down in the steamer *Brother Jonathan*, off Crescent City, on the 30th of July, 1865.



J. C. AVERY,
CORVALLIS, OR.



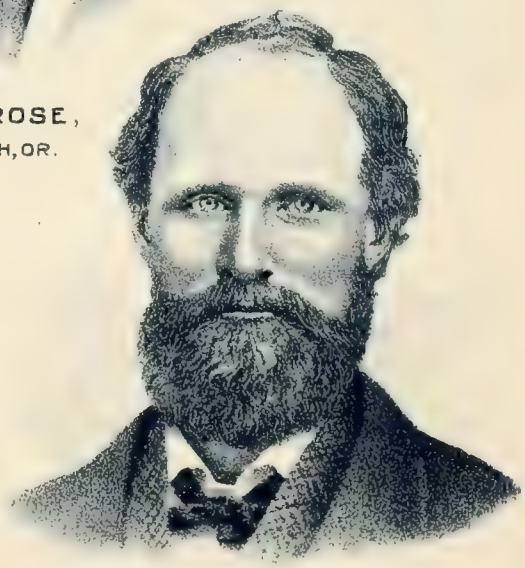
L. L. ROWLAND, M. D.
SALEM, OR.



AARON ROSE,
ROSEBURGH, OR.



HON. E. L. SMITH,
HOOD RIVER, OR.



P. C. NOLAND,
CRESWELL, OR.

fort to the Atahnam Mission. This latter position may be important as the intermediate post between The Dalles and the Fishery. From Fort Dalles to Fort Walla Walla, it is one hundred and forty-two miles; and, from the latter place to Selah Fishery, it is ninety-five miles by the road to Fort Steilacoom. With boats to cross the Columbia, your forces at either point could be in a few days concentrated.

"Expeditions should be prepared at the earliest moment, that is, as soon as grass can be obtained for Walla Walla and the Selah Fishery. As the snow will not probably allow the expedition to the latter so early by three or four weeks, the one to the former will be undertaken as soon as the season will permit, with four or five companies and three howitzers. It is desirable that this expedition should be conducted with reference to selecting a proper position for a post, and to ascertain the feelings and dispositions of the several tribes in that section of country. I do not believe they will continue the war a great while. The occupation of the country between the Walla Walla, Touchet and Snake rivers, and the opposite side of the Columbia, will very soon bring those tribes to terms. The occupation at the proper time of the Yakima country from the Atahnam Mission, and that on the Yakima river above and below the Selah Fishery, will compel the Yakimas, I think, to sue for peace or abandon their country."

Those instructions illustrate the war policy of General Wool,—not a word as to chastising the perfidious murderers of our citizens, nor the enforcement of the treaties, nor for the punishment of hostile acts which had destroyed the business of the country and retarded its settlement,—not a word as to checking raids and depredations on isolated settlers. But the regiment sent out from the Eastern states "is to select a proper position for a military post, and ascertain the feelings and dispositions of the several tribes." They are to be located near a fishery station, to keep Indians from fishing. The hope is entertained that their presence will keep the Indians from procuring their food; and that they will sue for peace. Such were the instructions given the gallant officer who had come here to make war against those Indians who had defied the authority of the nation,—to conquer peace,—but who was handicapped by his superior, and instructed to starve, not fight, the Indians. Instead of carrying war into the enemy's country, after that enemy had been in open arms for months, this regiment was to visit them and "ascertain their dispositions." Indeed, Colonel Wright was instructed by General Wool to protect the hostile Cayuses, and make war against the volunteers of Oregon.

In the memoir accompanying those war-prohibiting instructions, particular attention had been invited to the importance, for military purposes, of the portage between the Lower and Upper Cascades of the Columbia river, forty-five miles east of Fort Vancouver.

The rush of miners to the Colvile diggings in 1855, with the corresponding growth of the Cascades and The Dalles as distributing points and centers of trade, and also as keys to Eastern Oregon and Washington, had necessitated not only open communication across the portage between the Cascades of the Columbia, but had invited the supplying of improved facilities for travel, and the transportation of merchandise. The growing trade at The Dalles, the increased number of troops concentrated at that point, the presence of volunteers and regulars in the Yakima and Walla Walla country, and the necessary transportation of munitions of war and supplies for troops, had induced the putting on of steamers to ply between Portland and the Lower Cascades, as also upon the Columbia river above the Upper Cascades, running from thence to The Dalles. Such lines established, the trans-shipment of merchandise, and its conveyance over the portage, required

appliances for handling and transportation. For these objects, Daniel F. Bradford, and Putnam his brother, late in the fall of 1855, commenced the construction of a tramway between the Upper and Lower Cascades, five miles in length, which was well-nigh completed in the early spring of 1856. During the previous winter (1855–56), a strong guard had been on duty at the blockhouse located a mile below the Upper Cascades landing, which had been erected by Major Rains in the fall of 1855; and from the name of its builder it had been uniformly but unofficially called Fort Rains.

Although restrained by General Wool's orders from making war, Colonel Wright was in command at Fort Vancouver of eight companies of the Ninth Infantry, a company of the Fourth Infantry commanded by Second Lieutenant Philip H. Sheridan, now of immortal memory, a company and part of a company of U. S. Dragoons, and a company of the Third Artillery. Under later instructions of General Wool, it was the intention of Colonel Wright to have marched with four companies into the Walla Walla country to displace the Oregon mounted volunteers. Embraced within that order was the characteristically malignant innuendo against the Oregon citizen soldiery: "Should you find, on the arrival of the troops in the Cayuse country, that a company is necessary to give protection to the Cayuse Indians from the volunteers, you will leave a company there with a howitzer and ammunition." Colonel Wright had made provision to leave the necessary garrisons at Forts Vancouver and Dalles.

On the 6th of March, a band of Klikitats made a raid upon the Jocelyn settlement at the mouth of the White Salmon, and drove off a large number of stock. Upon receiving information of those depredations, Colonel Wright dispatched Lieutenant-Colonel Steptoe, Ninth Infantry, with two companies, from Fort Vancouver to White Salmon. Upon the seventh and eighth, the troops designed to operate east of Fort Vancouver followed. Upon the eleventh, Colonel Wright himself arrived at Fort Dalles, where he established his headquarters. On the twentieth, Lieutenant Bissell, who had been in command of the stations at the Upper Cascades, was withdrawn with all his forces except Sergeant Kelly and nine men, who were left in charge of the blockhouse (Fort Rains). The orders to Sergeant Kelly were simply to guard government property, and keep open the line of communication between Forts Dalles and Vancouver. A howitzer had been mounted, and ammunition supplied. Just below the Lower Cascades, the Cascade Indians, numbering about fifty, had their homes. They depended for a livelihood upon fishing, and occasional employment as boat-hands in the transportation of merchandise and travelers. No fears were entertained that they could be induced to become hostile. Neither did any one apprehend any danger, even should they become unsettled. They were so insignificant, so few, so dependent, that their presence excited no consideration. That band doubtless would have continued friendly had the Yakimas remained away. But as soon as Colonel Wright had moved eastward from Fort Dalles towards the Walla Walla country, Kamiakin, chief of the Yakimas, advised of his every operation, made a flank movement towards Fort Vancouver. With his horde of hostile Klikitats, he overawed that little Cascade camp, and forced those Indians to co-operate in the raid against the Cascade settlements. The Cascade Indians did the bidding of Kamiakin, and in the end alone received all the immediate penalties for an outbreak to which they had been stimulated by their more powerful neighbors, and to which, perhaps, they had reluctantly assented. Had Colonel Wright marched into the Yakima country against the concentrated hostile tribes there marshaled under their ablest leader, instead of first proceeding towards Walla Walla to protect the hostile Cayuses and to drive out the

Oregon volunteers, Kamiakin could not have returned to the settlements again to devastate them and massacre the citizens of the territory of Washington, peaceably residing at the Cascades. There would have been no Cascade massacre,— no three days' siege of the citizens at the Upper and Middle Cascades,—had the orders to Colonel Wright been to reduce the hostiles to submission, instead of directing him to ascertain their feelings and disposition.

As Colonel Wright moved towards The Dalles, Kamiakin massed his Klikitats and Yakimas, and moved down the Columbia towards the Cascades. Upon the day that Colonel Wright's Walla Walla expedition moved out from Fort Dalles and marched eastward, Kamiakin's forces, in three parties, simultaneously attacked the Upper, Middle and Lower Cascades.

Lawrence W. Coe, an intelligent and reliable eye-witness, interested in business with the Bradford Brothers of the Upper Cascades, wrote at the time a letter to Putnam F. Bradford, then in Massachusetts, in which was perpetuated the records of the incidents of that Indian raid upon the Bradford store at the Upper Cascades:

"On Wednesday, March 26th, at about 8:30 A. M., after the men had gone to their work on the two bridges of the new railway, most of them on the bridge near Bush's house, the Yakimas came down on us. There was a line above us from Mill creek to the big point at the head of the falls, firing simultaneously at the men; and the first notice we had of them was the firing and crack of their guns. At the first fire, one of our men was killed and several wounded. Our men, on seeing the Indians, all ran for our store through a shower of bullets, except three, who started down the stream for the middle blockhouse, distant one and a half miles. Bush and his family ran to our store, leaving his own house vacant. The Watkins family came into our store after a Dutch boy (brother of Mrs. Watkins) had been shot in the house. Watkins, Finlay and Bailey were at work on the new warehouse on the island, around which the water was now high enough to run about three feet deep under the bridges. There was grand confusion in the store at first; and Sinclair, of Walla Walla, going to the door to look out, was shot in the head and instantly killed. Some of us commenced getting the guns and rifles, which were ready loaded, from behind the counter. Fortunately, about an hour before, there had been left with us for shipment below nine government muskets, with cartridge boxes and ammunition. These saved us. As the upper story of the house was abandoned, Smith, the cook, having come below, and as the stairway was outside, where we dare not go, the stovepipe was hauled down, the hole enlarged with axes, and a party of men crawled up; and the upper part of the house was secured.

"Our men soon got shots at the Indians on the bank above us. I saw Bush shoot an Indian, the first one killed, who was drawing a bead on Mrs. Watkins as she was running for our store. He dropped instantly. Alexander and others mounted into the gable under our roof; and from there was done the most of our firing, as it was the best place for observation. In the meantime, we were barricading the store, making loopholes, and firing when opportunity presented itself. I took charge of the store, Dan Bradford of the second floor, and Alexander of the garret and roof.

"The steamer *Mary* was lying in Mill creek; and the wind was blowing hard down stream. Then we saw Indians running towards her and heard shots. I will give you an account of the attack on her hereafter. The Indians now returned in force to us; and we gave everyone a shot who showed himself. They were nearly naked, painted red, and had guns and bows and arrows. After awhile, Finlay came creeping around the lower point of

the island towards our house. We halloed to him to lie down behind a rock; and he did so. He called that he could not get to the store, as the bank above us was covered with Indians. He saw Watkins' house burn while there. The Indians first took out everything they wanted,—blankets, clothes, guns, etc. By this time the Indians had crossed in canoes to the island; and we saw them coming, as we supposed, after Finlay. We then saw Watkins and Bailey running around the river side towards the place where Finlay was, and the Indians in full chase after them. As our own men came around the point in full view, Bailey was shot through the arm and leg. He continued on, and plunging into the river swam to the front of our store and came in safely, except for his wounds. Finlay also swam across and got in unharmed, which was wonderful, as there was a shower of bullets around him.

"Watkins came next, running around the point; and we called to him to lie down behind the rocks; but before he could do so he was shot through the wrist, the ball going up the arm and out above the elbow. He dropped behind a rock just as the pursuing Indians came around the point; but we gave them so hot a reception from our house that they backed out and left poor Watkins where he lay. We called to him to lie still, and we would get him off; but we were not able to do so until the arrival of the troops,—two days and nights afterwards. During this time he fainted several times from cold and exposure, the weather being very cold; and he was stripped down to the underclothes for swimming. When he fainted, he would roll down the steep bank into the river; and, the ice-cold water reviving him, he would crawl back under fire to his retreat behind the rock. Meantime his wife and children were in the store in full view, and moaning piteously at his terrible situation. He died from exhaustion two days after he was rescued.

"The Indians were now pitching into us 'right smart.' They tried to burn us out,—threw rocks and firebrands, hot irons, pitchwood,—everything onto the roof that would burn. But as the bank for a short distance back of the store inclined towards us, we could see and shoot the Indians who appeared there. So they had to throw from such a distance that the largest rocks and bundles of fire did not quite reach us; and what did generally rolled off the roof. Sometimes the roof got on fire; and we cut it out, or with cups of brine drawn from pork barrels put it out, or with long sticks shoved off the fire balls. The kitchen roof troubled us the most. How they did pepper us with rocks! Some of the biggest ones would shake the house all over.

"There were now forty men, women and children in the house,—four women and eighteen men who could fight, and eighteen children and wounded men. The steamer *Wasco* was on the Oregon side of the river. We saw her steam up and leave for The Dalles. Shortly after the steamer *Mary* also left. She had to take Atwell's fence-rails for wood. So passed the day, during which the Indians had burned Inman's two houses, Bradford's sawmill and houses, and the lumber yards at the mouth of Mill creek. At daylight they set fire to Bradford's new warehouse on the island, making it as light as day around us. They did not attack us at night, but on the second morning commenced again lively as ever. We had no water, but did have about two dozen of ale and a few bottles of whisky. These gave out during the day. During the night, a Spokane Indian, who was traveling with Sinclair and was in the store with us, volunteered to get a pail of water from the river. I consented, and he stripped himself naked, jumped out and down the bank, and was back in no time. We weathered it out during the day, every man keeping his post, and never relaxing his vigilance. Every moving object, bush, shadow or suspicious thing on the hillside, received a shot. Night came again; we saw Sheppard's



DAVID LISTER,
TACOMA, W. T.

house burn. Bush's house near by was also fired, and kept us in light until four A. M., when, darkness returning, I sent the Spokane Indian for water from the river; and he filled four barrels. He went to and fro like lightning. He also slipped poor James Sinclair's body down the slide outside, as the corpse was quite offensive.

"The two steamers having exceeded the length of time which we gave them to return from The Dalles, we made up our minds for a long siege, and until relief came from below. The third morning dawned; and lo! the *Mary* and the *Wasco*, blue with soldiers, and towing a flatboat loaded with dragoon horses, hove in sight. Such a halloa as we gave! As the steamers landed, the Indians fired twenty or thirty shots into them; but we could not ascertain with what effect. The soldiers, as they got ashore, could not be restrained, and plunged into the woods in every direction; while the howitzers sent grape after the retreating redskins. The soldiers were soon at our doors; and we experienced quite a feeling of relief in opening them.

"Now as to the attack on the steamer *Mary* on the first day of the fight. She lay in Mill creek,—no fires, and wind blowing hard ashore. Jim Thompson, John Woodard and Jim Herman were just going up to her from our store when they were fired upon. Herman asked if they had any guns. No. He went on up to Inman's house, the rest staying to help get the steamer out. Captain Dan Baughman and Thompson were on shore, hauling on lines on the upper side of the creek, when the firing of the Indians became so hot that they ran for the woods past Inman's house. The fireman, James Lindsay, was shot through the shoulder. Engineer Buckminster shot an Indian with his revolver on the gangplank, and little Johnnie Chance went climbing up on the hurricane deck, and killed his Indian with an old dragoon pistol; but he was shot through the leg in doing so. Dick Turpin, half crazy, probably, taking the only gun on the steamer, jumped into a flatboat alongside, was shot, and jumped overboard and was drowned. Fires were soon started under the boiler, and steam was rising. About this time, Jesse Kempton, shot while driving an ox-team from the mill, got on board; also a half-breed named Bourbon, who was shot through the body. After sufficient steam to move was raised, Hardin Chenoweth ran up into the pilot-house, and, lying on the floor, turned the wheel as he was directed from the lower deck. It is almost needless to say that the pilot-house was a target for the Indians. The steamer picked up Herman on the bank above. Inman's family, Sheppard and Vanderpool all got across the river in skiffs, and, boarding the *Mary*, were taken to The Dalles."

The middle blockhouse (Fort Rains), with its little garrison of nine soldiers of Company H, Fourth U. S. Infantry, Sergeant Kelly commanding, was simultaneously attacked. The incidents of the siege are well narrated by Sergeant Robert Williams, one of the besieged:

"I discovered that the Indians were preparing for mischief on the day previous to the attack, while carrying a message from Mr. Griswold, who lived at the Middle Cascades, to Mr. Hamilton, who lived on a farm a little below the landing at the Lower Cascades. In passing each way by the Indian camp, as I had to do in going to and from carrying the message, my attention was particularly attracted at seeing Indians standing together in council, and dressed in warlike costumes, while some few were playing at a game outside. Their actions fully confirmed my belief that they were planning mischief. The movements of some of them in particular, going in a half-circle through the timber, thus to flank me, awakened a very strong suspicion that they were trying to catch me to kill me. So, I hurried back to the blockhouse with my utmost speed, and then told Sergeant

Kelly and my comrades my suspicions. But, by reason of our belief in the strength of our position, we did not dread any danger from Indians, or even think any more about it.

"On the morning of the attack, Sergeant Kelly sent one of the men, Frederick Bernaur, to the Upper Cascades for a canteen of whisky. Unfortunately, the Indians had commenced their attack on the blockhouse before he returned, preventing him from getting back to us. They shot him through both legs. He managed, however, to get to the bank of the river, and there hide from sight. He fainted several times from loss of blood; but the whisky he had in his canteen supported his strength. When night came, he left his hiding-place and got in safety to the blockhouse. When the attack began, nearly all of the detachment were scattered around the vicinity. There were but three of us in close proximity to the blockhouse,—Sheridan, McManus, the cook and myself. We all heard the shooting; but, even after what I saw the day previous, I nor the other two had not the least suspicion that we were attacked by Indians. My first feeling was that of indignation at such foolish conduct, thinking all the while that somebody was firing off their revolvers. But the cook quickly found out that it was no play, by seeing the door of the cookhouse riddled with bullets. He immediately gave the alarm by crying, "Indians." McManus and myself were standing close together near the blockhouse; but, on the instant of the alarm, we cast our eyes towards the hills and timber which closely surrounded us in front; and then we beheld, to our horror, the painted and half-naked savages, exultantly firing. McManus, who stood by my side, was shot in the groin. He died shortly after, in the army hospital at Vancouver, from the effects of the wound.

"My wounded comrade and myself lost no time in getting inside of the blockhouse. I then quickly got on my accoutrements and gun, and immediately commenced the defense. The incessant firing and racket of the Indians gave unmistakable warning of deadly danger to those of my comrades who were strolling around. They all got to the blockhouse in safety, excepting Lawrence Rooney, who was captured upon the hill while cutting wood. The two or three unfortunate families who were living close by the blockhouse ran to it for safety; but several were severely wounded in running the gauntlet. We had with us seven wounded and three killed. Among the latter was Mr. Griswold, who might have escaped his death but for his over-confidence in the friendliness of the Indians towards him. The German boy, Kyle, mentioned in Mr. Coe's narrative, was killed while riding on horseback down the road on the hill in front of us. The Indian that shot him stood by the side of a tree close by the road, his gun almost reaching to the poor boy, who fell instantly upon being shot.

"Tom McDowell and Jehu Switzler, and another man to me before unknown, were on their way from the Upper to the Lower Cascades; but before they had proceeded far they discovered hostile Indians. Being themselves unarmed, they made a desperate effort to reach the blockhouse, which they did in safety. They proved to our small force a valuable acquisition. The three gallantly aided us during the defense. After they had got in, the door was made secure by a bolt; and then a strong chain was drawn tightly across. That being completed, we gave our savage enemies a treat of canister shot, fourteen rounds in all, from our six-pounder gun, after which they precipitately retired. But we still, while in reach, presented them with a few shells. They retired back of the hills, out of range of our guns, to torture and put to a horrible death our unfortunate comrade whom they had captured. We could not see them at it, but we heard his piercing screams. After they had accomplished that last inhuman and diabolical cruelty, the main portion left and went to the lower landing.

"The second day the Indians were still besieging us, and thus preventing us from getting water, which by that time all of us greatly needed, especially the wounded. But close by there happened to be a saloon owned and kept by one of the Palmer brothers, who, with his brother who kept a store at the foot of the hill by the river bank, luckily made their escape immediately after the Indians made the attack, locking the doors of both buildings before they left. My army comrade, Wm. Houser, suggested that somebody should be allowed to go to the saloon and get whatever they might find that would alleviate hunger and thirst. I seconded his motion. Sergeant Kelly then permitted him and me to go. The door being locked, my comrade had to break it open with an axe. We procured within one dozen bottles of English porter, one decanter of brandy, the same of whisky and wine, and a small box full of oyster crackers. We failed to get water; but the articles mentioned satisfied every requirement except surgical aid until we would get relief, which we knew was close at hand by hearing the report of gallant Phil Sheridan's guns firing upon the enemy at the Lower Cascades. After that signal of relief, we all relaxed the ceaseless vigilance we had all the time kept, for the purpose of allowing a portion of our guards to take a little rest and sleep. The next morning, Brevet Lieutenant-Colonel Steptoe, Ninth Infantry, commanding Companies A, E, F and I, same regiment, and detachments of Company E, First Dragoons, and Company L, Third Artillery, in all two hundred men, and some of the officers, came to the blockhouse. The sergeant told them how we had managed. The colonel then complimented all for admirable conduct.

"Now that relief had come, the citizens who had taken refuge with us left for their homes. We soldiers endeavored to find traces of the injury we had done to the enemy. We failed to perceive any signs of Indians having been hurt; but myself and comrade Hiram Smiley found, horribly mutilated, the body of Lawrence Rooney, our murdered companion. The Indians had hanged him with a willow withe, the same being yet around his neck. They had also mashed his nose flat with his axe. We now called out to our other comrades to bring up a blanket to carry the body down to the blockhouse, where we soon made a rude box, and placed the remains therein. Lieutenant Sheridan then came up with his command, Company H, Fourth Infantry (to which company we of the detachment belonged). He also had the cavalry bring up to us the twenty-eight Indians whom he had captured. Each had his arms securely tied with pieces of strong cord. After accomplishing that duty, the lieutenant and his command returned to Fort Vancouver, taking with them the remains of our murdered comrade for burial at the military cemetery (1)."

The legislature of Washington Territory, on the 24th of January, 1857, passed a joint resolution instructing their delegate in Congress to use his influence to procure the passage of an Act granting to Sergeant Kelly, and Privates Houser, Roach, Sheridan, Bernaur, Smiley and Williams, the extra pay allowed during the Mexican War to such non-commissioned officers and privates as received certificates of merit for distinguished services, as a mark of commendation for their efficient aid in protecting the citizens who escaped massacre at the Cascades on the 26th of March, 1856, and gallant conduct in defending the blockhouse at that place for three days, against attacks of Indians.

An attack was also made upon the Lower Cascades at the same time, which was thus narrated by Lawrence W. Coe, in the letter before quoted:

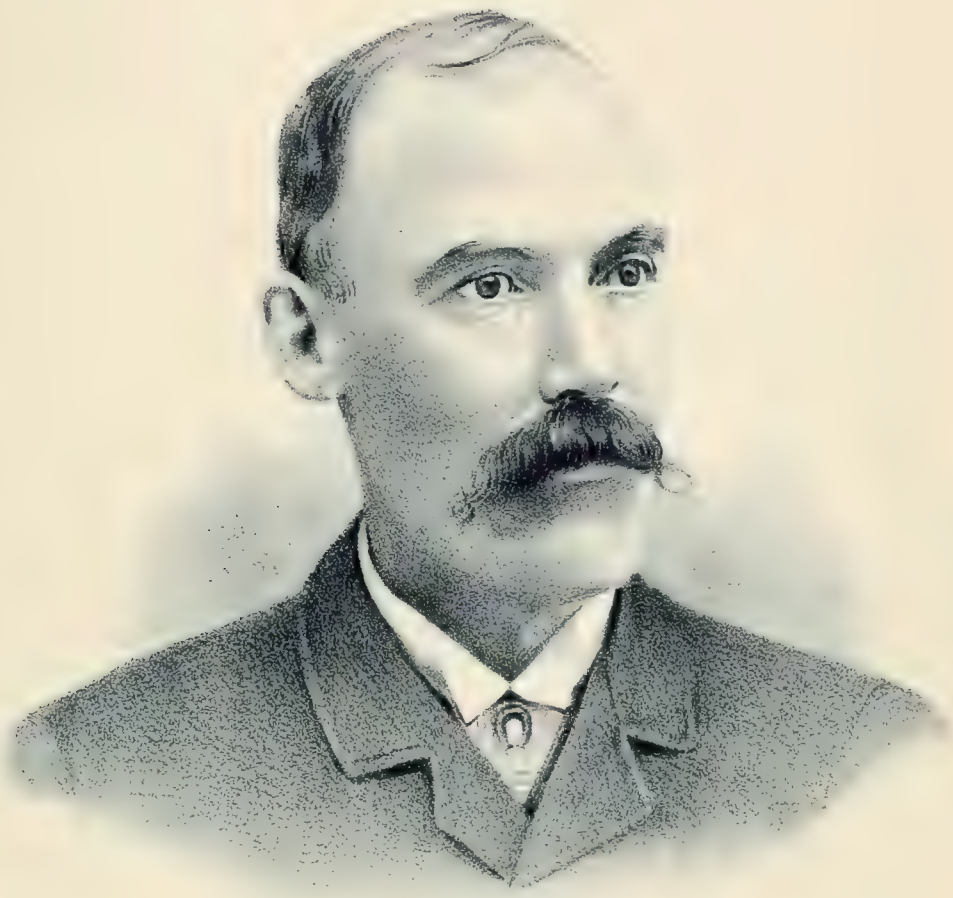
(1) General Orders, U. S. Army, November 12, 1857, thus noticed the gallantry of that little band: "Par. 3. In March, 1856, Sergeant M. Kelly, Company H, Fourth Infantry, with eight men, gallantly defended a small blockhouse, and protected all the public property at the Cascades, Washington Territory, for two days, against a body of fifty Indians. He had one man, Private L. Rooney, killed, and two privates, F. Bernaur and O. McManus, wounded, the latter since dead of his wounds."

"Geo. Johnson was about to get a boat's crew of Indians, when Indian Jack came running to him, saying the Yakimas had attacked the blockhouse. He did not believe it, although he heard the cannon. He went up to the Indian village on the sandbar to get his crew, and saw some of the Cascade Indians, who said they thought the Yakimas had come; and George, now hearing the muskets, ran for home. E. W. Baughman was with him. Bill Murphy had left the blockhouse early for the Indian camp, and had nearly returned before he saw the Indians or was shot at. He returned, two others with him, and ran for George Johnson's, with about thirty Indians in chase. After reaching Johnson's, Murphy continued on and gave Hamilton and all below warning; and the families embarked in small boats for Vancouver. The men would have barricaded in the wharf-boat, but for want of ammunition. There was considerable government freight in the wharf-boat. They stayed about the wharf-boat and schooner nearly all day, and until the Indians commenced firing upon them from the zinc-house on the bank. They then shoved out. Tommy Price was shot through the leg in getting the boats into the stream. Floating down, they met the steamer *Belle* with Sheridan and forty men, sent up on report of an express carried down by Indian Simpson in the morning. George and those with him went on board the steamer and volunteered to serve under Sheridan, who landed at George's place and found everything burned."

No white person was killed at the Lower Cascades, as an opportunity for escape was afforded, after the alarm had been given by the firing at the blockhouse. The Indians upon their arrival burnt every house, and destroyed a vast amount of government stores.

Rescue and relief came with the appearance of Lieutenant Phil Sheridan and a detachment of forty men of the Fourth U. S. Infantry. Let that annalist, as remarkable for clearness of statement and comprehensiveness of expression, as for military genius and courage, describe the check of the savages by his command:

"On the morning of March 26th, the movement began; but the column had only reached Four Mile creek when the Yakimas, joined by many young warriors,—free lances from other tribes,—made a sudden and unexpected attack at the Cascades of the Columbia midway between Vancouver and The Dalles, killed several citizens, women and children, and took possession of the portage by besieging the settlers in their cabins at the Upper Cascades, and those who sought shelter at the Middle Cascades in the old military blockhouse, which had been built for refuge under just such circumstances. These points held out and were not captured; but the landing at the Lower Cascades fell completely into the hands of the savages. Straggling settlers from the Lower Cascades made their way down to Fort Vancouver, distant thirty-six miles, which they reached that night, and communicated the condition of affairs. As the necessity for early relief of the settlers, and the establishment of communication with The Dalles, were apparent, all the force that could be spared was ordered out; and in consequence I immediately received directions to go with my detachment of dragoons, numbering about forty effective men, to the relief of the middle blockhouse, which really meant to retake the Cascades. I got ready at once, and, believing that a piece of artillery would be of service to me, asked for one; but, as there proved to be no guns at the post, I should have been obliged to proceed without one had it not been that the regular steamer from San Francisco to Portland was lying at the Vancouver dock unloading military supplies; and the commander, Captain Dall, supplied me with the steamer's small iron cannon, mounted on a wooden platform, which he used in firing salutes at different ports on the arrival and departure of the vessel. Finding at the arsenal a supply of solid shot that would fit the gun, I had it put upon the steamboat



S.S. BENTON

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Belle, employed to carry my command to the scene of operations, and started up the Columbia river at two A. M. on the morning of the twenty-seventh. We reached the Lower Cascades early in the day, when, selecting a favorable place for the purpose, I disembarked my men and gun on the north bank of the river, so that I could send back the steamboat to bring up any volunteer assistance that in the meantime might have been collected at Vancouver.

"The Columbia river was very high at the time; and the water had backed up into the slough about the foot of the Lower Cascades to such a degree that it left me only a narrow neck of firm ground to advance over towards the point occupied by the Indians. On this neck of land the hostiles had taken position, as I soon learned by frequent shots, loud shouting and much blustering; then, by the most exasperating yells and indecent exhibitions, they dared me to the contest.

"After getting well in hand everything connected with my little command, I advanced with five or six men to the edge of a growth of underbrush to make a reconnaissance. We stole along under cover of this underbrush until we reached the open ground leading over the causeway or narrow neck before mentioned, when the enemy opened fire and killed a soldier near my side by a shot, which, just grazing the bridge of my nose, struck him in the neck, opening an artery and breaking the spinal cord. He died instantly. The Indians at once made a rush for the body; but my men in the rear, coming quickly to the rescue, drove them back; and Captain Dall's gun being now brought into play, many solid shot were thrown into the jungle where they lay concealed, with the effect of considerably moderating their impetuosity. Further skirmishing at long range took place at intervals during the day, with but little gain or loss, however, to either side; for both parties held positions which could not be assailed in flank; and only the extreme of rashness in either could prompt a front attack. My left was protected by the backwater driven into the slough by the high stage of the river; and my right rested secure on the main stream. Between us was the narrow neck of land, to cross which would be certain death. The position of the Indians was almost the counterpart of ours.

"In the evening, I sent a report of the situation back to Vancouver by the steamboat, retaining a large Hudson's Bay bateau which I had brought up with me. Examining this, I found it would carry about twenty men, and made up my mind that early next morning I would cross the command to the opposite or south side of the Columbia river, and make my way up along the mountain base until I arrived abreast of the middle blockhouse, which was still closely besieged, and then at some favorable point recross to the north bank to its relief, endeavoring in this manner to pass around and to the rear of the Indians, whose position confronting me was too strong for a direct attack. This plan was hazardous; but I believed it could be successfully carried out if the boat could be taken with me. But, should I not be able to do this, I felt that the object contemplated in sending me out would miserably fail, and the small band cooped up at the blockhouse would soon starve or fall a prey to the Indians; so I concluded to risk all the chances the plan involved.

"On the morning of March 28th, the savages were still in my front; and, after giving them some solid shot from Captain Dall's gun, we slipped down to the river bank; and the detachment crossed by means of the Hudson's Bay boat, making a landing on the opposite shore at a point where the south channel of the river, after flowing around Bradford's island, joins the main stream. It was then about nine o'clock; and everything had thus far proceeded favorably. But an examination of the channel showed that it

would be impossible to get the boat up the rapids along the mainland, and that success could only be assured by crossing the south channel just below the rapids to the island, along the shore of which there was every probability we could pull the boat through the rocks and swift water until the head of the rapids was reached, from which point to the blockhouse there was smooth water.

"Telling the men of the embarrassment in which I found myself, and that, if I could get enough of them to man the boat and pull it up the stream by a rope to the shore, we would cross to the island and make the attempt, all volunteered to go; but, as ten men seemed sufficient, I selected that number to accompany me. Before starting, however, I deemed it prudent to find out, if possible, what was engaging the attention of the Indians, who had not yet discovered that we had left their front. I therefore climbed up the abrupt mountain side which skirted the water's edge, until I could see across the island. From this point, I observed the Indians running horse-races and otherwise enjoying themselves behind the line they had held against me the day before. The squaws decked out in gay colors, and the men gaudily dressed in war bonnets, made the scene most attractive; but, as everything looked propitious for the dangerous enterprise in hand, I spent but little time in watching them; and, quickly returning to the boat, I crossed to the island with my ten men, threw ashore the rope attached to the bow, and commenced the difficult task of pulling her up the rapids. We got along slowly at first; but soon striking a camp of old squaws, who had been left on the island for safety, and had not gone over to the mainland to see the races, we utilized them to our advantage. With unmistakable threats and signs, we made them not only keep quiet, but also give us much needed assistance in pulling vigorously on the tow-rope of our boat.

"I was laboring under a dreadful strain of mental anxiety during all this time; for, had the Indians discovered what we were about, they could easily have come over to the island in their canoes, and, by forcing us to take up our arms to repel their attack, doubtless would have obliged the abandonment of the boat; and that essential adjunct to the final success of my plan would have gone down the rapids. Indeed, under such circumstances, it would have been impossible for ten men to hold out against the two or three hundred Indians; but, the island forming an excellent screen to our movements, we were not discovered; and, when we reached the smooth water at the upper end of the rapids, we quickly crossed over and joined the rest of the men, who in the meantime had worked their way along the south bank of the river parallel with us. I felt very grateful to the old squaws for the assistance they rendered. They worked well under compulsion, and manifested no disposition to strike for higher wages. Indeed, I was so much relieved when we had crossed over from the island and joined the rest of the party, that I mentally thanked the squaws, one and all. I had much difficulty in keeping the men on the main shore from cheering at our success; but hurriedly taking into the bateau all of them it would carry, I sent the balance along the southern bank, where the railroad is now built, until both detachments arrived at a point opposite the blockhouse, when, crossing to the north bank, I landed below the blockhouse some little distance and returned the boat for the balance of the men, who joined me in a few minutes.

"When the Indians attacked the people at the Cascades on the twenty-sixth, word was sent to Colonel Wright, who had already got out from The Dalles a few miles on his expedition to the Spokane country. He immediately turned his column back; and, soon after I had landed and communicated with the beleagured blockhouse, the advance of his command arrived under Lieutenant-Colonel Edward J. Steptoe. I

reported to Steptoe, and related what had occurred during the past thirty-six hours, gave him a description of the festivities that were going on at the Lower Cascades, and also communicated the intelligence that the Yakimas had been joined by the Cascade Indians. When the place was first attacked, I also told him it was my belief that when he pushed down the main shore the latter tribe, without doubt, would cross over to the island we had just left, while the former would take to the mountains. Steptoe coincided with me in this opinion, and, informing me that Lieutenant Alexander Piper would join my detachment with a mountain howitzer, directed me to convey the command to the island, and gobble up all who came over to it. Lieutenant Piper and I landed on the island with the first boat-load; and, after disembarking the howitzer, we fired two or three shots to let the Indians know we had artillery with us, then advanced down the island with the whole of my command, which had arrived in the meantime. All of the men were deployed as skirmishers, except a small detachment to operate the howitzer. Near the lower end of the island we met, as I had anticipated, the entire body of Cascade Indians,—men, women and children,—whose homes were in the vicinity of the Cascades.

"They were very much frightened and demoralized at the turn events had taken; for the Yakimas, at the approach of Steptoe, had abandoned them as predicted, and fled to the mountains. The chief and head men said they had had nothing to do with the capture of the Cascades, with the murder of men at the upper landing, nor with the massacre of men, women and children near the blockhouse, and put all the blame on the Yakimas and their allies. I did not believe this, however, and, to test the truth of their statement, formed them all in line with their muskets in hand. Going up to the first man on the right I accused him of having engaged in the massacre, but was met by a vigorous denial. Putting my forefinger into the muzzle of his gun, I found unmistakable signs of its having been recently discharged. My finger was black with the stains of burnt powder; and, holding it up to the Indian, he had nothing more to say in the face of such positive evidence of his guilt. A further examination proved that all the guns were in the same condition. Their arms were at once taken possession of; and, leaving a small force to look after the women and children and the very old men, so that there could be no possibility of escape, I arrested thirteen of the principal miscreants, crossed the river to the lower landing, and placed them in charge of a strong guard. Late in the evening, the steamboat which I had sent back to Vancouver returned, bringing to my assistance from Vancouver Captain Henry D. Wallins' company of the Fourth Infantry and a company of volunteers hastily organized at Portland; but, as the Cascades had already been retaken, this reinforcement was too late to participate in the affair."

The three days' fighting ended, the army officers caused a thorough search to be made of the surrounding timber. A trail through the woods, by which the Klikitats and Yakimas had retreated, was followed for ten miles. No Indians were overtaken or captured, though a number were ascertained to have been killed. It being established that the savages had been driven off, Colonel Wright caused to be erected two additional blockhouses, one at the Upper Cascades, and the other near the lower landing, and stationed an adequate force at each.

Some features of interest may yet be gleaned from the "Coe" letter before quoted, which seem necessary to complete the reminiscences of that memorable attack, massacre, siege and repulse:

"The Indians whom Sheridan had taken on the island were closely guarded. Old Chenoweth (chief) was brought up before Colonel Wright, tried, and sentenced to be hanged. The Cascade Indians, being under treaty, were adjudged guilty of treason in fighting. Chenoweth died game. He was hanged on the upper side of Mill creek. I acted as interpreter. He offered ten horses, two squaws and a little something to every 'tyee' for his life, said he was afraid of the grave in the ground, and begged to be put into an Indian deadhouse. He gave a terrific warwhoop while the rope was being put around his neck. I thought he expected the Indians to come and rescue him. The rope did not work well; and, while hanging, he muttered, 'Wake nica quas copa mamelouse!' He was then shot. The next day, Tecomeoc and Captain Jo were hanged. Captain Jo said all the Cascade Indians were in the fight. The next day, Tsy, Sim Lasselas and Four-fingered Johnny were hanged. The next day, Chenoweth Jim, Tumalth and Old Skein were hanged, and Kanewake sentenced, but reprieved on the scaffold. Nine in all were executed. Banaha is prisoner at Vancouver, and decorated with ball and chain. The rest of the Cascade Indians are on your island, and will be shot if seen off of it. Such are Colonel Wright's orders. Dow, Watiquin, Peter, Mahooka John and Kotzue,—maybe more,—have gone with the Yakimas.

"I forgot to mention that your house at the Lower Cascades, also Bishop's, was burned; also to account for Captain Dan Baughman and Jim Thompson. They put back into the mountains, and at night came down to the river at Vanderpool's place, fished up an old boat and crossed to the Oregon side. They concealed themselves in the rocks on the river bank opposite, where they could watch us, and at night went back into the mountains to sleep. They came in safely after the troops arrived. We do not know how many Indians there were. They attacked the blockhouse, our place, and drove Sheridan, all at the same time. We think there were not less than two or three hundred. When the attack was made on us, three of our carpenters ran for the middle blockhouse, overtook the cars at the salmon-house, cut the mules loose, and, with the car-drivers, all kept on. They were not fired on until they got to the spring on the railroad; but from there they ran the gauntlet of bullets and arrows to the fort. Little Jake was killed in the run. Several were wounded.

"I append a list of killed and wounded: Killed—George Griswold, shot in leg; B. W. Brown and wife, killed at the sawmill, bodies found stripped naked in Mill creek; Jimmy Watkins, driving team at mill; Henry Hagar, shot in Watkins' house, body burned; Jake Kyle, German boy; Jacob White, sawyer at mill; Bourbon, half-breed, died on the *Mary* going to The Dalles; James Sinclair, of the H. B. Company, Walla Walla; Dick Turpin, colored cook on steamer *Mary;* Norman Palmer, driving team at mill; Calderwood, working at mill; three United States soldiers, names unknown; George Watkins, lived four days; Jacob Roush, carpenter, lived six days. Wounded—Fletcher Murphy, arm; P. Snooks, boy, leg; J. Lindsay, shoulder; Jesse Kempton, shoulder; Tommy Price, thigh; two soldiers, U. S. Army; H. Kyle, German; Moffat, railroad hand; Johnny Chance, leg; M. Bailey, leg and arm; J. Algin, slightly."

Lieutenant Sheridan finished his description of operations at the Cascades by recounting the dastardly murder of the family of Spencer, a friendly Indian, with such words of condemnation as will find a response in every human breast. And yet that horrible crime is too often a concomitant of Indian war, which finds palliation by the excitement which grows out of witnessing the mangled, mutilated and outraged bodies of the victims of Indian hate. That Indian wars should so transform our race, because of



HON JOHN MINTO,
SALEM, OR.



MRS. M. A. MINTO,
SALEM, OR.



R. W. MORRISON,
ASTORIA, OR.



MRS. R. W. MORRISON,
ASTORIA, OR.

the manner they are waged, is the best of evidence of the fiendish malice with which they operated in that war of intended extermination made by them in 1855–56.

"While still encamped at the lower landing, after the events recounted, I met Mr. Joseph Meek, an old frontiersman and guide for emigrant trains through the mountains, who came down from The Dalles on his way to Vancouver, and stopped at my camp to inquire if an Indian named Spencer and his family had passed down to Vancouver since my arrival at the Cascades. Spencer, the head of the family, was a very influential, peaceable Chinook chief, whom Colonel Wright had taken with him from Fort Vancouver as an interpreter and mediator with the Spokanes and other hostile tribes against which his campaign was directed. He was a good, reliable Indian, and, on leaving Vancouver to join Colonel Wright, took his family along to remain with relations and friends at Fort Dalles until the return of the expedition. When Wright was compelled to retrace his steps on account of the capture of the Cascades, this family, for some reason known only to Spencer, was started by him down the river to their home at Vancouver.

"Meek, on seeing the family leave The Dalles, had some misgivings as to their safe arrival at their destination, because of the excited condition of the people about the Cascades; but Spencer seemed to think that his own peaceable and friendly reputation, which was widespread, would protect them. So he parted from his wife and children with little apprehension as to their safety. In reply to Meek's question, I stated that I had not seen Spencer's family, when he remarked, 'Well, I fear that they are gone up,' a phrase used in early days to mean that they had been killed. I questioned him closely to elicit further information, but no more could be obtained; for Meek, either through ignorance or the usual taciturnity of his class, did not explain more fully; and when the steamer that had brought the reinforcement started down the river, he took passage for Vancouver to learn definitely if the Indian family had reached that point. I at once sent to the upper landing, distant about six miles, to make inquiry in regard to the matter; and in a little time my messenger returned with the information that the family had reached that place the day before, and, finding that we had driven the hostiles off, continued their journey on foot towards my camp, from which point they expected to go by steamer down the river to Vancouver.

"Their non-arrival aroused in me suspicions of foul play; so, with all the men I could spare, and accompanied by Lieutenant William T. Welcker of the ordnance corps, a warm and intimate friend, I went in search of the family, deploying the men as skirmishers across the valley, and marching them through the heavy forest, where the ground was covered with fallen timber and dense underbrush, in order that no point might escape our attention. The search was continued between the base of the mountain and the river, without finding any sign of Spencer's family, until about three o'clock in the afternoon, when we discovered them between the upper and lower landing, in a small open space about a mile from the road, all dead,—strangled to death with bits of rope. The party consisted of the mother, two youths, three girls and a baby. They had all been killed by white men, who had probably met the innocent creatures somewhere near the blockhouse, driven them from the road into the timber, where the cruel murders were committed without provocation, and for no other purpose than the gratification of the inordinate hatred of the Indian that has so often existed on the frontier, and which on more than one occasion has failed to distinguish friend from foe. The bodies lay in a semi-circle; and the bits of rope with which the poor wretches had been strangled to death were still around their necks. Each piece of rope—the unwound strand of a heavier

piece—was about two feet long, and encircled the neck of its victim with a single knot, that must have been drawn tight by the murderers pulling at the ends. As there had not been quite enough rope to answer for all, the babe was strangled by means of a red silk handkerchief, taken, doubtless, from the neck of the mother. It was a distressing sight. A most cruel outrage had been committed upon unarmed people,—our friends and allies,—in a spirit of aimless revenge. The perpetrators were citizens living near the middle blockhouse, whose wives and children had been killed a few days before by the hostiles, but who well knew that these unoffending creatures had had nothing to do with those murders.

"In my experience, I have been obliged to look upon many cruel scenes in connection with Indian warfare on the plains since that day; but the effect of that dastardly and revolting crime has never been effaced from my memory. Greater and more atrocious massacres have often been committed by Indians. Their savage nature modifies one's ideas, however, as to the inhumanity of their acts; but when such wholesale murder as this is done by Whites, and the victims not only innocent but helpless, no defense can be made for those who perpetrated the crime, if they claim to be civilized beings. It is true the people at the Cascades had suffered much, and that their wives and children had been murdered before their eyes; but to wreak vengeance upon Spencer's unoffending family, who had walked into their settlement under the protection of a friendly alliance, was an unparalleled outrage which nothing can justify or extenuate. With as little delay as possible after the horrible discovery, I returned to camp, had boxes made, and next day buried the bodies of those hapless victims of misdirected vengeance.

"The summary punishment inflicted on the nine Indians, in their trial and execution, had a most salutary effect on the confederation, and was the entering wedge to its disintegration; and, though Colonel Wright's campaign continued during the summer and into the early winter, the subjugation of the allied bands became a comparatively easy matter, after the lesson taught the renegades who were captured at the Cascades."

At the trial of the Cascade murderers, it became manifest that Clienoweth, the chief of the Cascade Indians, and those who were executed with him, hitherto regarded friendly and so treated by the Whites, had been guilty of co-operating with the Klikitats in the raid upon the Cascade settlements; that the Klikitats were the principal actors; that Kamiakin, head chief of the Yakima nation, had instigated and planned it; and that his scheme had been to capture the Cascades, destroy the steamboats navigating the river, so as to cut off communication, and, before Colonel Wright with his forces, whom he supposed was on his way to the Walla Walla country, could have returned, kill every White inhabitant upon the Columbia river.

Upon the 10th of April, 1856, Colonel Wright advised Governor Stevens: "The temporary success the enemy met with at the Cascades has not given him confidence. My sudden return and total dispersion of all the Indians at that point, with a loss of twelve or fifteen of their warriors, with all of their baggage and animals, will have convinced them that they are safe only in their mountain retreat. We must keep an eye on the *friendly* Indians. I am well satisfied that they knew full well at the Cascades that an attack was to be made, and that many of them joined the hostile party. However, I have given them a lesson which they will long remember. Ten of those Indians, including their chief, have been hanged by a sentence of a military commission. The residue, some forty men, and seventy or eighty women and children, have been placed on an island without any means of leaving it, and under the observation of troops. As soon as our

lines of communication are well secured, and quiet and confidence established in the settlements, I shall be prepared to advance into the country of the Yakimas. A strong post must be established in the heart of that country. It will not do to march through an Indian country simply. We should make them understand that we are going to make a permanent settlement with them, break up their fisheries, and harass them constantly, in order that they shall have no time for laying in a supply of food. By this course I think they may be brought to terms,—perhaps not until next winter. It is only a question of time. It must be accomplished in the end."

A correspondence ensued between the governor and Colonel Wright as to the co-operation of the volunteers with the latter, and as to plans of campaign, all of which was referred to Major-General Wool, commanding the district.

General Wool again visited Fort Dalles in April. Previously to starting on the Yakima expedition, Colonel Wright addressed a letter to Governor George L. Curry, in which this language occurred: "I am much embarrassed by these wanton attacks of the Oregon volunteers on the friendly Indians. Under these circumstances, and presuming that you still retain authority over the Oregon volunteers, although at present beyond your territorial jurisdiction, I have to request that they may be withdrawn from the country on the north side of the Columbia river."

On the 28th of April, Colonel Wright, with his expedition of five companies, crossed the Columbia river from Fort Dalles and advanced into the Yakima country. On the 18th of May, he encamped on the Nahchess river. The stream was so high that it was impassable for his command. Upon the opposite side, the Yakima Indians had collected in great numbers, asking for peace. Their chiefs Owhi and Te-i-as had, upon the 11th of June, assured him that within five days they would bring in all their people. They then left the north side of the river. Up to the 18th of June, Colonel Wright had heard nothing of them or either of the chiefs. On that morning, having bridged the Nahchess, Colonel Wright crossed that river with eight companies (four hundred and fifty men, rank and file), and marched northward to the Wenass river, where he encamped. Lieutenant-Colonel Steptoe, with three companies, had been left to occupy the position on the Nahchess, called Fort Nahchess. On the 20th of June, Colonel Wright encamped in the Kittetass valley. Still no Indians had been seen or heard of by his command. He, however, wrote to the commanding general: "I do not despair of ultimately reducing these Indians to sue for peace. I believe they really desire it; and I must find out what outside influence is operating to keep them from coming in."

Colonel Shaw's expedition of Washington Territory volunteers, *en route* to the Walla Walla country, crossed the Nahchess Pass and camped June 20th on the Wenass river, after Colonel Wright's command had marched northward from that point. Before Colonel Shaw had set out on his Eastern-Washington campaign, he had suggested co-operation with Colonel Wright; but the latter not only declined but also informed Colonel Shaw that he had ample force of regular troops to operate in the Yakima country. Colonel Wright evidently acted upon the belief that the presence of the volunteers had tended to disperse the Yakimas. He said in an official communication at that time: "I have not overlooked, from the first, the evident determination of the volunteers to co-operate with the regular forces to bring this war to a close; and I have steadily resisted all advances. My efforts have been retarded, but not defeated, by what was done."

On the 18th of June, Governor Stevens, from The Dalles, had notified Colonel Wright at his camp on the Nahchess: "Lieutenant-Colonel Shaw, on Thursday last (June 12th),

marched from Camp Montgomery over the Nahchess. It is supposed he will camp on the Wenass to-night. His orders are to co-operate with you in removing the seat of war from the mountains to the interior, and for reasons effecting the close of the war on the Sound obvious to all persons. He will then push to the Walla Walla valley, crossing the Columbia at Fort Walla Walla. The Walla Walla valley must be occupied immediately to prevent the extension of the war in the interior. Kamiakin has, since your arrival on the Nahchess, made every exertion to induce the tribes thus far friendly to join the war. He has flattered the Spokanes where he was on the 25th of May, and has endeavored to browbeat the Nez Perces. The Spokanes have answered in the negative; and the Nez Perces will, I am satisfied, continue friendly. I am ready, as the superintendent of Indian affairs, to take charge of any Indians that may be reported by yourself as having changed their condition from hostility to peace. I am ready to agree to any arrangement which may be for the good of the Indian. I presume your views and my own do not differ as to the terms which should be allowed the Indians, viz., unconditional submission, and the rendering up of murderers and instigators of the war for punishment. I will, however, respectfully put you on your guard in reference to Leschi, Nelson, Kitsap and Quiemuth from the Sound, and to suggest that no arrangement be made which shall save their necks from execution."

On the 18th of July, 1856, Colonel Wright reported to General Wool: "Notwithstanding the numerous difficulties and embarrassments I have encountered, the war in this country is closed. We have penetrated the most remote hiding-places of the enemy, and have forced him to ask for mercy. Deserted by their chiefs Kamiakin and Owhi, and perseveringly pursued by our troops, the Indians have no other course left them but to surrender. So long as troops simply moved through their country and retired, it had little effect. The Indians were generally the gainers by it. But a speedy advance over the whole country, rendering it necessary to move their stock and families, had a different effect, understanding, as they do, that the country is to be permanently occupied."

Without a gun fired, an Indian captured, or voluntarily coming in and submitting, peace is declared to exist, or rather war not to exist, because the Indians have been able to elude and keep out of the way of the force marching through, and nominally occupying, their country. It is very true that war cannot be made without some opposing force to make resistance; and it is equally true that peace cannot be restored unless some party hitherto an enemy shall agree to be at peace, or give some positive indications to that effect. On the 2d of August, General Wool issued an order to Colonel Wright, in which he said: "The general congratulates you on your successful termination of the war with the Yakimas and Klikitats. * * With the least possible delay you will conduct an expedition into the Walla Walla country. No emigrants or other Whites, except the Hudson's Bay Company, or persons having ceded rights from the Indians, will be permitted to settle or remain in the Indian country, or on land not ceded by treaty, confirmed by the Senate, and approved by the President of the United States, excepting the miners at the Colvile mines. Those will be notified, however, that, if they interfere with the Indians or their squaws, they will be punished and sent out of the country. It appears that Colonel Shaw from Puget Sound, with his volunteers, has gone to the Walla Walla country. Colonel Wright will order them out of the country by way of Fort Dalles. If they do not go immediately, they will be arrested, disarmed and sent out."

Lieutenant-Colonel Steptoe, with four companies, left Fort Dalles on the 20th of August for Walla Walla, and reached there early in September. Governor Isaac I.



T. C. VAN EPPS, ESQ.,
OLYMPIA, W. T.

Stevens, Superintendent of Indian Affairs of Washington Territory, was in the valley, prepared to hold a council with the Nez Perces and the tribes who had been hostile. On the 5th of September, Colonel Steptoe's command encamped five miles below the council ground. In a letter to the Secretary of War, Governor Stevens wrote: "On reaching Walla Walla valley, I made the necessary arrangements for sending home the volunteers, to be mustered out of the service on the arrival in the valley of the regular troops under Lieutenant-Colonel Steptoe."

On the evening of the 10th of September, the Indians being all in, except the Yakimas, and none of them friendly except a portion of the Nez Perces, and orders having been given for all the volunteers to go home the next day, Governor Stevens made a requisition on Lieutenant-Colonel Steptoe for two companies of troops and his mountain howitzers. He answered that he had moved his camp to a point on Mill creek, seven or eight miles above Governor Stevens' camp; and that General Wool's orders to him did not allow a compliance with the requisition.

Governor Stevens, before the arrival of Lieutenant-Colonel Steptoe, had addressed him, urging that they should camp near each other, "to show the strength of our people and the amity of our councils." Captain David N. Russell, on his way from Yakima, was addressed by Governor Stevens to the same effect. On the arrival of Lieutenant-Colonel Steptoe, Governor Stevens personally urged the same course. The governor, on being refused, called back Captain Goff's company, sixty-nine men, rank and file, and retained them as guards to his camp. The council opened on the eleventh, and continued for two days. On the thirteenth, so alarming had become the condition of affairs, that the governor addressed a confidential note to Lieutenant-Colonel Steptoe, advising him that one-half of the Nez Perces were unquestionably hostile, that so were all the other tribes with very few exceptions, and that a company of his troops was essential to the security of the governor's camp. Lieutenant-Colonel Steptoe replied: "I regret extremely that you think a company of my troops to be 'essential to the safety' of your camp. In a previous communication, I suggested that, if you distrusted the safety of your position, the council might be adjourned to a more convenient time and place. As you know, my camp for the winter is in preparation. The train has been unloaded and sent back to The Dalles; and much valuable property, which cannot now be removed, lies on my camp ground. If the Indians are therefore really meditating an outbreak, it will be difficult for me to provide for the defense of my camp, and *impossible* to defend *both* camps. Under these circumstances, if you are resolved to go on with your council, does it not seem more reasonable that you shall move your camp to the vicinity of mine?" He then offers a company of dragoons to bring up the governor, and closes by advising him as to the embarrassment occasioned by a request for troops, as he cannot detach any, in execution of certain instructions received from General Wool.

At the suggestion of Lieutenant-Colonel Steptoe, Governor Stevens moved his party, train and supplies, with Goff's company of volunteers, to the vicinity of Steptoe's camp. On his way to camp, the Governor met Kamiakin and his band. The governor reported to the Secretary of War (1): "It is probably owing to no one being advised of my intention to move till the order was given an hour before I started, that I was not attacked on the road. Kamiakin had unquestionably an understanding, as subsequent events showed, with all the Indians except the friendly Nez Perces (about one-half the nation), and a small number of friendly Indians of the other tribes, to make an attack that day or

(1) See Governor Stevens' message to Washington Territory legislature, 1856-57, page 59 *et seq.*

evening upon my camp. He found me on the road to his great surprise, and had no time to perfect his arrangements. I had learned in the night that Kamiakin had camped on the Touchet the night before, and that he would be in this day. The council opened on the tenth. All the Indians were camped near. Kamiakin and his band were only separated from the council ground by a narrow skirt of woods in the bottom of Mill creek." All efforts to effect a treaty proved abortive. The propositions submitted by Governor Stevens to the tribes present were "unconditional submission to the justice and mercy of the government, and the surrender of murderers for trial."

That afternoon, Lieutenant-Colonel Steptoe informed those Indians that he came there to establish a post, not to fight them; and that he hoped they would get along friendly. The next afternoon was appointed for a conference; but the Indians failed to appear. They had followed Governor Stevens, who started for The Dalles about eleven o'clock in the forenoon, and attacked him about one o'clock in the afternoon within three miles of Steptoe's camp.

In the official report of the governor to the Secretary of War before quoted, the governor proceeded: "So satisfied was I that the Indians would carry into effect their determination in the councils in their own camps for several nights previously to attack me, that, in starting, I formed my whole party, and moved in order of battle. I moved on under fire one mile to water, when, forming a corral of the wagons, and holding the adjacent hills and the brush by pickets, I made my arrangements to defend my position and fight the Indians. Our position, in a low, open basin, some five or six hundred yards across, was good; and, with the aid of our corral, we could defend ourselves against a vastly superior force. The fight continued till late in the night. Two charges were made to disperse the Indians, the last led by Lieutenant-Colonel Shaw in person, with twenty-four men. But, whilst driving them before him,—some one hundred and fifty Indians,—an equal number pushed into his rear; and he was compelled to cut his way through them towards camp. Drawing up his men, and aided by the teamsters and pickets, who gallantly sprung forward, he drove the Indians back in full charge upon the corral. Just before the charge, the friendly Nez Perces, fifty in number, who had been assigned to holding the ridge on the south side of the corral, were told by the enemy: 'We came not to fight the Nez Perces, but the Whites. Go to your camp or we will wipe it out.' Their camp with the women and children was about a mile distant, to which I directed the Nez Perces to retire, as I did not require their assistance; and I was fearful that my men might not be able to distinguish them from the hostiles, and thus friendly Indians might be killed.

"Towards night I notified Lieutenant-Colonel Steptoe that I was fighting the Indians, that I should move the next morning, and expressed the opinion that a company would be of service."

To this Lieutenant-Colonel Steptoe replied:

GOVERNOR STEVENS, "CAMP, Sept. 19, 1856.
Council Ground,

Governor: I have just received your note asking that the dragoons be sent to your aid. Now, the Cayuses have burned all the grass near me. I shall have to send my animals quite a distance for grass; and, if I send the dragoons to you, I shall be unable to herd them. Besides that, the company could not return to me for some time; and the Indians would probably turn all their attention to the few men left with me. I have no blockhouses, and shall expect to be annoyed much. Under these circumstances, do you

not think I had better use your train and move with you to the Umatilla, or some point beyond, where *you* would be safe from molestation and *I* could find grass abundant? If I had my train, I would not hesitate a moment, but would join you in the morning with my whole command rather than part with the only mounted men I have. *What do you think of returning to this camp to-night or in the morning*, taking my baggage up in your wagons, and our moving off together? Let me hear from you by Richard. I cannot help thinking that, if you abandon (burn up) your wagons, you can easily get through with your pack animals. But what think you of my plan of going together?

"Yours in haste, E. J. STEPTOE.

"I could probably send you Fletcher's company with most ease; but I think it is best for both of us that you lose a day and take up our baggage.

"LIEUTENANT-COLONEL E. J. STEPTOE."

This arrangement was assented to by Governor Stevens; and his report proceeds: "Lieutenant-Colonel Steptoe sent to my camp Lieutenant Davidson, with detachments from the companies of dragoons and artillery, with a mountain howitzer. They reached my camp about two o'clock in the morning. Soon after sunrise, the enemy attacked the camp, but were soon dislodged by the howitzer and a charge by a detachment from Steptoe's command."

Lieutenant-Colonel Steptoe built a blockhouse and stockade on Mill creek, where a company was left to defend it. The governor started for The Dalles on the 23d of September, reaching there October 2d. In the governor's engagement on the ninteenth, his force consisted of Goff's company, sixty-nine men, rank and file, and fifty teamsters and employés. The train consisted of five hundred animals, not one of which was lost. He estimated the Indian force at four hundred and fifty. The loss of the governor's command was one man mortally, one dangerously, and one slightly, wounded. The Indian loss was thirteen killed and wounded.

It will have been remembered that, in June last, Governor Stevens, as superintendent of Indian affairs for Washington Territory, had announced to Colonel Wright his readiness to receive and provide for such hostiles as should come in and disavow further hostility, and consent to live on the reservations as friendly Indians. He had excepted from the general amnesty certain hostile chiefs of Puget Sound, who had signed the treaties and almost immediately thereafter had instigated hostilities, and had participated in the horrible murders and massacres at and near Puget Sound in the fall of 1855. The names of those who were denied immunity were Leschi, Quiemuth, Kitsap, Nelson and Stehi. For prudential reasons, Colonel Wright declined action at that time upon the governor's demand for the surrender of those murderers for trial. On the 19th of August, the governor renewed his demand for the delivery of the Indian chiefs above-named for trial. On the 4th of October, Colonel Wright advised the governor: "I delayed action on the subject, expecting your speedy return from Walla Walla, where I was anxious to have a personal interview with you. You know the circumstances under which the Indians referred to were permitted to come in and remain with the friendly Yakimas. Although I have made no promises that they should not be held to account for their former acts, yet, in the *present* unsettled state of our Indian relations, I think it would be unwise to seize them and transport them for trial. I would, therefore, respectfully suggest that the delivery of the Indians be suspended for the present."

Governor Stevens immediately answered Colonel Wright: "I have received your letter of this date, in answer to my requisition for the delivery of Leschi, Nelson, Quiemuth, Kitsap and Stehi, to be sent to the Sound to be tried by the civil authorities. Those men are notorious murderers, and committed their acts of atrocity under circumstances of treachery and blood-thirstiness almost beyond example. All belong to bands with whom treaties have been made; and, in the case of all except Nelson, the treaty has been sanctioned by the Senate; and the execution of the treaty has been placed in my hands. Whether a treaty has been made or not, I am of the opinion that men guilty of such acts should be at least tried, and, if convicted, punished. More especially should this be done in cases where, by treaty stipulations, provision is made for the punishment of such offenses. If the condition of things is so unsettled in the Yakima that the seizing of these men, after such arrangements as to time, etc., as necessarily comes within the discretion of the force making the seizure, will lead to war, the sooner the war commences the better. Nothing, in my judgment, will be gained by a temporizing policy. The war commenced on our part in consequence of the attempt to arrest the murderers of Bolon, Mattice and others, on the requisition of the acting governor of the territory of Washington. If this demand is not inflexibly insisted upon, and peace is made on milder terms, it will be, it seems to me, a criminal abandonment of the great duty of protecting our citizens, will depreciate our standing with the Indians, and pave the way for wars hereafter. I must, therefore, again respectfully make requisition for the delivery of the Indians mentioned, in order that they may be sent to the Sound to be tried by the civil courts. The particular mode and the special time of making the seizure rests with your discretion. I shall send Special Agent Shaw to the Yakima to take charge of the Indians you have officially reported to me to be friendly, and of Indians that I propose to incorporate with them. He will have instructions not, under any circumstances, to receive those Indians on the reservation."

On the 16th of October, Colonel Wright addressed Major Garnett, Ninth Infantry, commanding Fort Simcoe: "I have received a requisition from Governor Stevens, Superintendent of Indian Affairs for Washington Territory, for the delivery of Leschi, Nelson, Quiemuth, Kitsap and Stehi, to be sent to the Sound to be tried by the civil authorities. I have determined to comply with the requisition of the governor. You will therefore deliver up the Indians named (1) at the earliest moment practicable, having a due regard to the condition of affairs in the Yakima country. I have the assurance of the governor that these Indians shall be fairly dealt with. Make a full explanation to the chiefs and friendly Indians, and assure them that it is for their interest that these Indians should be delivered up and tried."

On the 19th of October, General Wool directed Colonel Wright to proceed in person to Walla Walla as soon as possible, to attend to the establishment of the post, as before directed, in that vicinity, and sent Captain Wyse's company, Third Artillery, to reinforce his command. "It is also of the highest importance that you, the senior officer (the chief man), should see and talk with all the tribes in that region, in order to ascertain their wants, feelings and disposition towards the Whites. Warned by what has occurred, the general trusts you will be on your guard against the Whites, and adopt the most prompt and vigorous measures to crush the enemy before they have time to combine for resistance, also check the war, and prevent further trouble by keeping the Whites out of the Indian country."

(1) The Indians named were sent to the Sound. All were indicted for murders by them committed. Leschi was convicted and hanged. Quiemuth was assassinated by the son-in-law of Lieutenant James McAllister, whom he had treacherously murdered in October, 1855. The others were severally tried and acquitted.



HON. CLANRICK CROSBY,

CENTRALIA, W. T.

On the 31st of October, Colonel Wright reported: "I have selected the position on Mill creek, six miles above its junction with the Walla Walla river, for the post." The Indians dispersed after Governor Stevens' abortive effort to treat with them in September. About forty attended a council convened by Colonel Wright, among whom were the chiefs Red Wolf, Eagle from the Light, Howlish-wampum, Tinton-metey, Stickus, two sons of Looking Glass, besides several sub-chiefs and head men of the Nez Perces and Cayuse nations. They all inveighed against the treaty of 1855, and denounced Lawyer as having sold their country. Eagle of the Light said: "I understand that Colonel Wright came here to straighten out things, and to know whether the bloody cloth was to be washed and made white, and all that is past forgotten, or whether the war was to be continued between the Whites and red men. For my part I am for peace. I desire to see the good talk of the white chiefs and the Indians planted in good soil and grow up together. I desire to live in peace and harmony with the white people."

Colonel Wright replied: "The bloody cloth should be washed; and not a spot should be left upon it. The Great Spirit, who created both the Whites and the red men, commanded us to 'love one another.' All past differences must be thrown behind us. The hatchet must be buried; and, for the future, perpetual friendship must exist between us. The good talk we have this day listened to should be planted and grow up in our hearts and drive away all bad feelings, and preserve peace and friendship between us forever. Put what I say in your hearts; and, when you return to your homes, repeat it to all your friends."

In reporting the proceedings of that council to the commanding general, Colonel Wright also added: "I am fully satisfied that, with all that has been said, peace and quiet can easily be maintained. The Indians are perfectly satisfied with the establishment of a military post here (Walla Walla). All they want is quiet and protection. I must express my decided opposition to the Treaty of Walla Walla, and pray it may never be confirmed. All the chiefs in this and the Yakima country whom I have seen are violently opposed to it. Give them back those treaties, and no cause of war exists. They proclaim that unfair means were used; whether so or not, they will not be contented until those treaties are restored (1).

On the 21st of November, Governor Stevens, when he had been advised of the action of Colonel Wright, in treating with the party of hostiles who but a short time before had attacked him when returning from a council held by him as superintendent of Indian affairs for Washington Territory, made this earnest protest to the Secretary of War: "It seems to me that we have, in this territory, fallen upon evil times. I hope and trust that some energetic action may be taken to stop this trifling with great public interests, and to make our flag respected by the Indians of the interior. They scorn our people and our flag. They feel that they can kill and plunder with impunity. They denominate us a nation of old women. They did not do this when the volunteers were in the field. I now make the direct issue with Colonel Wright, that he has made a concession to the Indians which he had no authority to make; that by so doing he has done nothing but get a semblance of peace; and that, by his acts, he has in a measure weakened the influence of the service having the authority to make treaties, and having charge of the friendly Indians. He has, in my judgment, abandoned his own duty, which was to reduce the Indians to submission, and has trenched upon and usurped a portion of mine."

(1) This language evidently means: Until the lands to which the Indian title had by those treaties been extinguished shall be restored to the condition which existed before the treaties were made.

On the 18th of December, 1856, General John E. Wool, the commanding general of the Department of the Pacific, made official announcement: "The mail has arrived from Oregon, bringing the gratifying intelligence from Colonel Wright and Lieutenant-Colonel Casey that all is peace and quiet in the two territories, Oregon and Washington. Under present arrangements, I don't believe that the war can be renewed by the Whites. The posts are well arranged to preserve peace and to protect the inhabitants from any hostility on the part of the Indians residing in the territories."

Chief among the spirits who had set on foot that far-reaching conspiracy to check white appropriation of the territory of the great Northwest, which culminated in the Oregon-Washington Indian war of 1855–56, and embraced so many hostile Indian bands within the area north of the Calipooia Mountains, were those two old and crafty chieftains, Peu-peu-mox-mox and Kamiakin. The former to a great extent, if not entirely, was animated by the desire to avenge the death of a son murdered years before by white men in California. Against the white race he had declared unrelenting hostility. The latter was the unchanging and persistent foe of white occupancy of the country. Kamiakin, with the vaster aim, was the great projector of the hostile combination, and of the methods which he believed would contribute to its success. Through his direct instigation of the Klikitats, who, dwelling east of the Cascade Mountains, yet crossing constantly that mountain chain and intermingling with the western tribes, and with whom close relations had been formed by intermarriages, he had succeeded in enlisting such bold, restless and insidious chieftains as Kanaskut, Leschi, Quiemuth, Kitsap, Nelson and Stehi to commence the outbreak against the defenseless settlements of Puget Sound and its unsuspecting, unarmed settlers. That uprising on Puget Sound rendered it necessary that all available troops should be required west of the Cascade Mountains to protect the Sound settlements. Thus also was erected a barrier to the approach of the Whites into the Yakima country, which was effectual to deter any white man from entering the country of Kamiakin. Having murdered in cold blood all the unwary and unarmed white travelers as they journeyed alone or in small parties through the Yakima country, and the Walla Wallas and Cayuses, under the lead of Peu-peu-mox-mox, having robbed and dismantled old Fort Walla Walla, in the country of the latter chief, an effectual Indian interdict had been established against the white settlement or occupancy eastward of the Cascade Mountains. To continue such a condition of affairs, to regain, perpetuate and maintain the integrity of the sole and exclusive Indian occupancy of that region, the old chiefs and their coadjutors set about to enforce the continuance of that interdict. For such purpose and object, war was commenced by the Indians and waged by the confederate hostile tribes. Those chiefs and their observing people were thoroughly acquainted with the fact that there were comparatively no United States forces present in the territory,—none within the area of hostile operations. None better than they appreciated that the number of troops was entirely insufficient to accomplish the purpose of their presence, and that their distribution and the location of posts were entirely inadequate even to check, much less overcome, a hostile combination of any material portion of the native population. And so those wary chieftains, seconded by lieutenants of consummate skill in Indian warfare and strategy, made haste to profit by the condition of affairs, a condition of things for which the government of the United States, through the culpable inefficiency of the general commanding the Department of the Pacific, was directly responsible.

Kamiakin incited the confederate hostile Indian tribes to go to war to keep the Whites out of the country. In that purpose he was ably supported by the sullen and revengeful Peu-peu-mox-mox, who but impatiently awaited his opportunity for vengeance against the

race who had slayed his first born; who, at the Walla Walla council, had accepted largesses to secure his good will and his influence with his people; who had pretended that his anger had been placated, and that he had become conciliated; who subscribed his name to that treaty with apparent cordiality; who then retired to his lodges to plot against those whom he had so egregiously deceived, and whom at that council ground, with his compeer in duplicity, the great Kamiakin, he had already conspired to betray.

That *quasi* peace was but the proclaimed continuance of the assurance by the U. S. Army officers to the hostile Indians, "We came not into your country to fight, but merely to establish posts." It now officially announced the close of a war by General Wool, which he had never commenced to prosecute as war. It was but the unblushing publication of a policy inspired alone by him, and executed under his orders by officers whom he had handicapped in the enemy's country by instructions, the observance of which was but the triumph of Kamiakin. It was the official humiliating concession to the hostiles of everything that they had demanded, or had inaugurated the war to accomplish, viz., the keeping of white settlers out of their country;—save alone the isolated fact, that the Indians had made no resistance to or protest against the establishment of military posts within their territory. That failure to protest against the erection of posts was the only evidence of passive submission by the hostiles; yet with what avidity was the fact seized by General Wool to assure him that he was occupying the Indian territory by his troops, and that those troops were remaining there in peaceable possession! What a naked and barren victory, which proved too much; for it meant nothing except that armed troops within fortified posts were the only white men who could occupy such country. It too palpably demonstrated a suspension of hostilities patched up by appealing to the Indian: "Let my troops stay here; and I will protect you and keep out the white settler."

General Wool, in the execution of his plan of campaign by his army of occupation, not for making war, had effectually accomplished the aim of Kamiakin in the instigation of the outbreak. The commanding general had avowed upon several occasions his policy of protecting the hostile Indians against the Whites, and of expelling them from, and keeping them out of, the country. In fact, there appears to have been a common object actuating both Kamiakin and General Wool: Both were equally determined that the Whites should not settle in nor occupy the country of Kamiakin or Peu-peu-mox-mox; both were equally hostile to the volunteers of the two territories, who sought to save the country for white settlement; both were averse to any hostile demonstration against the Indians; both were willing that Governor Stevens should be cut off and his party sacrificed, when official duty compelled his presence in the Indian territory; both alike cordially hated the people of the two territories. Could Kamiakin have asked more than the performance of Wool's orders?—"Leave a company and a howitzer to protect the Cayuse Indians against the volunteers." * * * "Warn Colonel Shaw and his volunteers to leave the country; and, should they fail to comply, arrest, disarm and send them out." How it must have delighted old Kamiakin when he had interpreted to him that interdict against white settlement: "No emigrant or other white person will be permitted to settle or remain in the Indian country." Glorious duty for American troops to protect the blood-stained murderers of our people, to stand guard that the spirit of treaties shall be violated, that Americans may not occupy America and every part of its domain!

Thus through the direct agency of, and in the execution of the orders issued by, the major-general commanding the department, Kamiakin amply and effectually secured

every result for which he had made contention. Yes, that inglorious campaign, or rather its most "lame and impotent conclusion," illustrated that the war policies of Kamiakin and General John E. Wool were respectively one and the same; that their purposes and objects were in unison. Barring the fact that he had consented by treaty to white occupancy, it was patriotism in Kamiakin to hate the presence of white settlers in the country of his ancestry, to inspire him to resist the absorption of his territory, and "to welcome them with bloody hands to hospitable graves." With General Wool the case was entirely different. His exalted position afforded the opportunity to have accomplished so much. The people expected his protection. He denied them even his sympathy. In that important trust with which he had been invested, his avowed hostility to our people was vastly more dangerous and damnifying than Kamiakin and his hosts. Our volunteers had met in the field and successfully resisted the further advance of the hostile legions. But they and all of us were powerless to secure the sympathy of General Wool, or to withstand the evil effects of an administration of military affairs while he was the commanding director. He refused to repress Indian hostilities himself; nor would he allow the gallant officers and troops under his command to do any act which savored of making war against the Indians, or of administering chastisement to the murderers of our people.

History will accord to him whatever merit may be due in securing the accomplishment of Kamiakin's purposes, and for the adoption of Kamiakin's policy to govern his campaign. But, while it will award credit to the Indian projector because of his sagacity in accomplishing Indian purposes, it will fail to find reason for lauding the motives or the efforts of one whose highest duty was to defeat the accomplishment of Kamiakin's scheme to exterminate the white settlers of Washington and Oregon. To the one, measurably extenuating even murder and robbery when perpetrated by a savage in obedience to his education, traditional mode of making war and native instincts of character, it will cover his acts, however brutal, with the mantle of charity, and credit him with patriotic prompting. Would to God there was some extenuating circumstance to justify the other in refusing to allow the punishment of the murderers of his race, men, women and children, in cold blood, and who were afterwards immolated;—something which could explain the origin and cause of that worse than savage prejudice which never for a moment ceased to actuate the major-general of the Department of the Pacific in that campaign which closed as it began. It left all of Eastern Washington in the actual occupancy of unpunished, unsubmissive, hostile Indians, who were reinforced by United States troops at several military posts, present in the Indian country with the avowed purpose of holding it against the entry or settlement by emigrants or other white persons. In that campaign, no hostility had been so apparent to the white settlers, authorities and volunteers of Oregon and Washington, no vindictiveness so intense, no race-antipathy so malignant, as that which marked the conduct and imbued the orders of General John E. Wool. How reluctantly is performed this duty of chronicling. With that campaign was closed a hitherto long, brilliant and patriotic career in the service of his country. In it he fell short of what the people had a right to expect. With skillful and experienced officers, and an ample sufficiency of troops to subdue the hostiles, he preferred they should passively concede all that an insolent savage foe demanded. His motive in such a course, as displayed by his acts and the record he left, was actuated by persistent and unrelenting prejudice which rose to enmity against the territories of Oregon and Washington, their patriotic governors, their brave and sacrificing citizen-soldiery, and their neglected people.



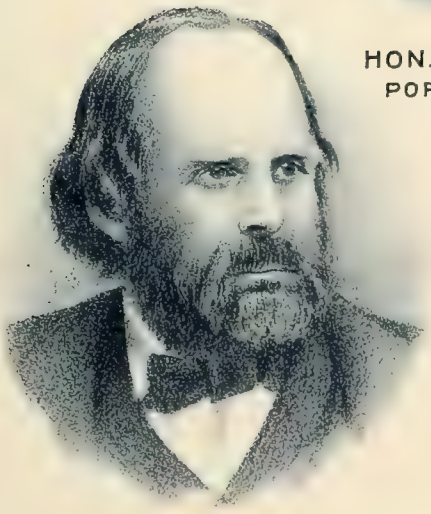
F. R. HILL,
WILBUR, OR



MRS. DELINDA HILL,
WILBUR, OR.



HON. JAMES G. SWAN,
PORT TOWNSEND, W.T.



J. T. HUNSAKER,
WOODBURN, OR.



MRS. EMLY HUNSAKER,
(DECEASED)

Chapter LVI.

(1858.)

Campaign of General Clarke and Colonel Wright, in the Country East of the Columbia River and North of Walla Walla — The Peace of 1856 Abortive — Kamiakin Still Inaugurating Hostile Movements — Combination of Hostile Eastern Tribes, and Motives of Hostility — Indian Depredations in Walla Walla Region — Expedition of Lieutenant-Colonel Steptoe, and His Disastrous Defeat — Colonel Wright's Views of the Campaign Necessary — Treaty With the Nez Perces — Colonel Wright Sets Out on Northern Expedition — Battle of Four Lakes — Battle of Spokane Plains — The Spokanes Submit — The Cœur d'Alenes Submit — Death of Owhi and Qualchen — Submission of the Palouses — The War Ended.

HOSTILITIES of the Indians in the interior who had taken part in the outbreak of 1855–56 were not terminated by the so-called peace made under General Wool's orders in prosecuting the campaigns of the regulars in 1856. It was a mere suspension of open hostilities; and at no time had there been an indication that the Yakimas, Palouses, Cayuses, and all those bands and tribes which had refused to treat with Governor Stevens at Walla Walla in September, 1855, had been subdued, or had become reconciled to the United States authorities or to the presence of American citizens in the hitherto hostile country. Indeed, the temporary lull in hostilities had depended upon the fact that the United States troops were in the hostile territory to keep out white persons, as a condition of the Indians maintaining a quiet deportment towards the soldiers, and submitting to the presence of military posts. Through all of 1857, there had been constant apprehensions of a renewed outbreak. In the winter of 1857–58, the Catholic fathers in the upper country apprised their brethren at Vancouver that they had labored incessantly to pacify the Indians,—the Cayuses, the Yakimas, the Palouses and other tribes in their vicinity,— but that a general uprising of the Indians towards the commencement of spring was feared (1). Another statement of the Catholic fathers was that, when Governor Stevens was at Spokane Prairie (winter of 1855), the Spokane Indians demanded that troops should not pass the Walla Walla river.

In the winter of 1857–58, prominent chiefs of the Spokane and Cœur d'Alene nations, speaking the sentiments of their followers or bands, said, "If the soldiers exhibit themselves in this country, the Indians will become furious." Everything indicated that the Yakimas, the Cayuses and the Palouses had not been pacified, and that they were as unfriendly as ever. To those tribes who had been hostile were now added the Spokanes and Cœur d'Alenes. Among them, Palouse emissaries had labored with great success to incite them to hostile feeling against the Whites. Kamiakin, Owhi and Qualchen, the implacable leaders of the Yakima nation, not to say of the confederate hostile tribes east

(1) Father Hoecken to a brother priest. Father Joset to Father Congeato.

of the Cascade Mountains, had never submitted to the troops, and had never accepted the amnesty. They had marched before Colonel Wright's column in 1856; and as he advanced they retired, and then crossed the Columbia river to incite to hostility those tribes who had not been visited by General Wool's missionaries of peace. Those leaders took up their residence with the Palouses, a tribe as hostile as themselves. A large portion of the Yakimas, thus abandoned by their most influential leaders, had gone to the Simcoe reservation to be fed, and were friendly. Kamiakin still continued general-in-chief of the hostile Indians. He was at this time at the head of the Palouses, a tribe who, in 1855, at the council of Walla Walla, was classified as one of the fourteen bands constituting the Yakima nation, of which Kamiakin was then, and ever since had been, the head chief. Of course he was their chieftain. The disaffected Yakimas had merged into and swelled the number of the Palouses, who had become very numerous, embracing the Palouse bands proper, the affiliating Yakimas, many restless young spirits who found gratification in war, and all the renegades of every neighboring tribe. Those Palouses were noted horse-thieves. One of their number, Tilcoax, had for years successfully pursued that calling, and by his proficiency had accumulated about eight hundred head of horses. He had earned the highest consideration among his brother outlaws, not only because of that wealth, but because he had proved himself to be the successful despoiler of their enemies. For such great merit in their eyes, he had been elevated to the position of chief, and shared equally the authority with Kamiakin.

The astute Kamiakin cordially accepted Tilcoax as his co-ordinate in rank, because it enabled him to use the furtive Tilcoax to harass and prey upon the Whites, to provoke the resentment of the garrison at Fort Walla Walla by the stealing of stock, which would sooner or later be followed by an expedition against the Indians to recover the property and punish the marauders. History was about to repeat itself. It was Kamiakin's real aim to draw Colonel Steptoe and his little command from the post and serve them as he had Haller's detachment in 1855, in the Yakima country. Kamiakin was still the same unrelenting and unconquerable enemy of the white race, and of white settlement within the territory. He was the same wary and persistent strategist as when he planned the outbreak in the summer of 1855, to draw out the garrison from Fort Dalles and induce its march into his country, where he could and did surround them, and, as he supposed and intended, cut them to pieces. As one of the details of that campaign, he had instigated the simultaneous massacres upon Puget Sound, which had necessitated the keeping there of all available forces to protect those settlements, and thereby had prevented Major Haller from receiving help from that quarter. Kamiakin having thus isolated Haller, he expected him to become an easy prey. Haller was compelled to retreat to The Dalles without having accomplished any purpose; and the hostile Indians had been encouraged by that first conflict with the United States soldiers. The same tactics were about to be renewed in a different field, but under the direction of the same master mind. The Palouses were already hostile. The Spokanes and Cœur d'Alenes had been insidiously and industriously labored with, and their prejudices inflamed against the approach of soldiers into their country.

The survey of the Mullan road from Fort Benton to Fort Walla Walla, which the Indians had been advised was to be made that spring, was the circumstance relied upon to convince the Spokanes that the troops were about to occupy the country; and thus the Spokanes were incited to the highest pitch against the soldiers and their purpose, or presence in the country. Such feeling engendered, then followed immediately the

murders of the miners near Colvile, which were committed to provoke hostilities, and were designed as and did become the occasion of Colonel Steptoe making a northern expedition towards the Spokane country. Upon the arrival of Colonel Steptoe and his force within their country, the predictions of the malcontents had been verified. The Spokanes and Cœur d'Alenes, as expected, united with the Palouses, Yakimas and Walla Wallas to destroy the invaders. Such was the plot; and all that time it had been the study and work of Kamiakin, the wily chieftain and conspirator, the ablest savage general west of the Rocky Mountains. Such were the acts of those very Indians referred to in the several communications of General Wool to the government, in the winter of 1856–57. Since his vain-glorious heralding of peace, the preparations for a hostile campaign and the renewed declaration and incitement of hostilities had been the pastime, the only occupation, of those friends of General Wool whom he had taken under his protection.

On the 3d of January, 1857, that distinguished deluded official, if not the sympathizer with, and apologist of, Indian murderers, had written: "For the information of the lieutenant-general commanding the army, and the Secretary of War, I have the honor to report that peace and quiet pervade throughout the Department of the Pacific, and I have no doubt will thus continue as long as the Indians are treated with ordinary justice. Efforts, for reasons heretofore again and again presented by me, no doubt will be made to disturb the quietude of the department, which I think will not succeed. The disposition of the troops is such as not only to prevent it, but to give protection to the white settlements, and to restrain the Indians should they exhibit indications to renew the war, which, from the information which I have received, I do not in the least apprehend. From the Indians east of The Dalles and the Cascade Range of mountains, no danger is anticipated. They will not interfere with the Whites, if the latter will only let them alone and not plunder them of their horses, cattle and women. If the money appropriated by Congress to preserve peace with the Indians could be properly applied and expended, I am confident there would be no future war with the Indians in the Pacific Department, unless unnecessarily and improperly provoked by the Whites, who have hitherto unjustly been the cause of all the Indian wars in California and Oregon, including the crusade of Governors Curry and Stevens against the Walla Walla tribe, etc., during the winter and summer of 1856."

The Indian country occupied by Colonel Steptoe was under an interdict. No Whites were allowed in it except the miners at Colvile and the Hudson's Bay Company's employés. There were no Whites there to interfere with the Indians. The country was occupied by General Wool's peaceable Indians and the United States regulars he had sent to Fort Walla Walla, commanded by Lieutenant-Colonel Steptoe.

Early in August, 1858, Indians of the Palouse tribe had stolen horses and cattle belonging to various persons, Indians and Whites, and had driven off thirteen head of beef cattle belonging to the garrison (1). The Spokane Indians, as Colonel Steptoe had been advised, were very restless. Forty persons living at Colvile had petitioned Colonel Steptoe for the presence of troops, as they believed their lives and property to be in danger from hostile Indians. The agent of the Hudson's Bay Company at Fort Colvile, in forwarding the petition, had joined in the complaint. Two white men on their way to the Colvile mines had been murdered near the Palouse river; and the names of the murderers had been furnished by a friendly Indian to Colonel Steptoe. These predatory acts,

(1) Official letter of Lieutenant-Colonel E. J. Steptoe, April 17, 1858, to the adjutant-general of the Department of the Pacific. Report of Secretary of War, 1858–59, page 344.

instigated by Kamiakin, had produced the intended effect. Upon the confirmation of the reports, Lieutenant-Colonel Steptoe determined upon making an expedition to check further outbreaks, and, if possible, to adjust matters. On the 6th of May, the command consisted of three companies First U. S. Dragoons, viz.: Company C, Captain O. H. Taylor and Lieutenant James Wheeler, Jr.; Company E, Lieutenant William Gaston; Company H, Lieutenant D. McM. Gregg; also a detachment of twenty-five men of Company E, Ninth Infantry, Captain Charles S. Winder, in charge of two howitzers; Lieutenant H. B. Fleming, acting Assistant Quartermaster and Commissary, and Assistant Surgeon Randolph,—in all, five company officers and one hundred and fifty-two men. One hundred pack mules had been required for the transportation of the outfit. The last animal had been packed; but the ammunition remained on the ground without provision for its transportation. Strange as it may appear, instead of procuring another pack animal, that supply of ammunition, the one thing needful above all others, was reconveyed to the magazine; and that expedition started on its campaign into the hostile country with intent to make war, if necessary, without ammunition save what happened to be in the cartridge boxes of the soldiers.

The route was through what constituted the present counties of Columbia and Garfield, striking the Snake river at the mouth of Alpowa creek. At that point Timothy, a friendly Nez Perce chief, resided with his band. Since the first advent of the Whites to the region, he and his people had been the constant friends of our race. They ferried the command across Snake river; and Timothy, with three of his warriors, determined to accompany it. On May 16th, the expedition had passed north of Pine creek; and as it approached Four Lakes, the Indians, who had appeared in large numbers in front, became defiant. Insolently they informed Lieutenant-Colonel Steptoe that if he proceeded farther north they would attack him. He parleyed with them, denied that any hostile intent actuated the expedition, and promised to turn back the next morning. He insisted that necessity for water compelled his camping for the night at the lakes. At three o'clock on the morning of the seventeenth, he started to return. By daylight the enemy had surrounded him. Another talk between Steptoe and the Indians followed. Steptoe was talking with a Cœur d'Alene called Soltees. Father Joseph, their missionary priest, interpreted. The Cœur d'Alene assured Steptoe that no attack would be made by the Indians. He then shouted something to his people. One of Timothy's friendly Nez Perces named Levi struck Soltees over the head with the handle of his whip, saying, "What for you tell Steptoe no fight, and then say to your people, 'wait awhile.' You talk two tongues." A few minutes before the attack commenced, Father Joseph, the priest of Cœur d'Alene Mission, joined Colonel Steptoe (1) and informed him that most of the excitement among the hostile tribes was due to mischievous reports that the government intended to seize their lands, in proof of which they were invited to observe whether a party (Lieutenant Mullan) would not soon be surveying a road through the country. He also stated that the Cœur d'Alenes, Spokanes and Flatheads had bound themselves, each to the others, to massacre any party who should attempt to make such survey.

About nine o'clock, as the command was reaching Pine creek, which they approached through a ravine, the Indians fired upon them from the south side and from elevated points along their line of march. Lieutenant Gaston charged without waiting for orders, and cleared an opening to the highlands on the south, and was followed by the entire force. The howitzer was then unlimbered and brought into action. Two charges followed,

(1 Lieutenant-Colonel Steptoe, May 23, 1858. Report of Secretary of War, 1858–59, page 580.



W. H. MASTIN,
COLFAX, W.T.

in which two privates of Company E were wounded; and one of Timothy's friendly Nez Perces was killed by a soldier, who mistook him for a hostile. The retreat was resumed. Sergeant Williams of Company E, U. S. Dragoons, covering the extreme rear, was wounded. Lieutenant-Colonel Steptoe was in advance with Company H, First Dragoons, and the pack animals. A detachment of Company C, Lieutenant Wheeler, was on the right. Lieutenant Gaston, with Company E, U. S. Dragoons, was on the left. Captain O. H. Taylor, with the remainder of his company (Company C), covered the rear. In that order, the retreat continued through the forenoon. The hostiles followed closely, gallantly held in check by Captain Taylor and Lieutenant Gaston. Against great numbers, they kept the enemy at bay until the ammunition was exhausted. Lieutenant Gaston sent forward a messenger to Lieutenant-Colonel Steptoe to halt the command, and afford his men the opportunity to procure ammunition. The request was not noticed. The head of the column had reached Cache creek. Word was passed to the commander that Lieutenant Gaston had been killed. A halt was ordered; and, in the hand-to-hand encounter for his dead body, the hostiles secured its possession. Captain Taylor had also been numbered with the dead. In the struggle by his comrades to rescue his body from the savages, two of his company had been killed, and another severely wounded by an arrow. So demoralized had the soldiers become, that when Lieutenant Gregg called for volunteers to follow him in a charge, and relieve the rear guard, only ten responded. The enemy had temporarily withdrawn; and Colonel Steptoe went into camp on the spot where the rear guard had driven back the enemy. He threw out a strong picket line, and buried such of his dead as had not been abandoned during the retreat. A council of war decided to bury the howitzers, and throw away their stores and pack train, in the hope that the Indians would suspend the chase while the plunder was being distributed. The Indians were camped in the bottom, in plain sight. They had surrounded Steptoe's camp with Indian sentinels, and only awaited the coming morrow to surround and massacre that little force. One avenue of escape had been left unguarded; it was a difficult pass which the hostiles believed was unknown to the soldiers, and that was an impassable route for them to traverse by night. Timothy, the friendly Nez Perce chief, was thoroughly acquainted with it. The night was dark. When all had become still, he led the way; and the entire force mounted and followed in single file, as silently as possible, out through that unguarded pass. It was a rough and bitter experience for some of the helplessly wounded.

Colonel Gilbert, in his most interesting "Historic Sketches of Walla Walla," has graphically described that expedition on its outward march for hundreds of miles into an enemy's country without ammunition, and its disastrous retreat. His compilation of the details furnished by members of the ill-fated party is the authority from which the foregoing has been substantially extracted. The painful continuation of that perilous retreat is thus narrated: "The wounded of each company were taken charge of by some of the comrades detailed for that purpose; and several, so badly hurt as to be helpless, were tied upon pack animals, to be carried along with the retreating force. Among the latter were a soldier named McCrossen, whose back was broken, and Sergeant Williams, who was shot through the hip. The latter begged for poison, and to be left behind, preferring death to that terrible ride. He tried to borrow a pistol from Lieutenant Gregg, with which to shoot himself. He was then lashed to a horse; and a comrade led the animal. The torture of this rough motion driving him to frenzy, he soon threw himself from the moving rack and slipped down the animal's side. His comrades then loosened

the thongs binding him to the horse, and, riding away into the darkness, left him there calling upon them, in the name of God, to give him something with which to take his life. Poor McCrossen, with his broken spine, was tied upon a pack-saddle that turned on the mule's back; and he was precipitated between the animal's legs, when a soldier named Frank Poisle cut the lashings; and he, too, was left calling to his comrades, 'Give me something, for God's sake, to kill myself with.' Through that long, dark night, the retreating column followed, at a trot or gallop, the faithful chief upon whose judgment and fidelity their lives depended. The wounded, except those who could take care of themselves, were soon left for the scalping knife of the savage; and, seemingly with but one impulse, the long shadow-line of fugitives passed over the plains and hills towards Snake river and safety. Twenty-four hours later, they had ridden seventy-five miles, and reached that river about four miles down from where the Indian guide had lived, at the mouth of Alpowa creek. Going up the river to near Timothy's village, the chief placed his own people out as guards, and set the women of his tribe to ferrying the exhausted soldiers and their effects across the stream. This was not completed until near night of the next day. On the twentieth, Steptoe's command met Captain Dent, Ninth Infantry, with supplies and reinforcements, on Pataha creek, where the road now leading from Dayton to Pomeroy crosses. Here the worn-out fugitives went into camp for a time to rest, and while there were overtaken by Lawyer, chief of the Nez Perces, at the head of a formidable war party, who wished the soldiers to go back with him and try it over again with the Northern Indians."

Lieutenant-Colonel Steptoe made the following official report of that disastrous expedition:

"On the second instant, I informed you of my intention to move northward with a part of my command. Accordingly, on the sixth, I left here with Companies C, E and H, First Dragoons, and E, Ninth Infantry, in all five company officers and one hundred and fifty-two enlisted men. Hearing that the hostile Palouses were at Al-pow-on-ah, in the Nez Perces' land, I moved to that point, and was ferried across Snake river by Timothy, a Nez Perce chief. The enemy fled towards the north; and I followed leisurely on the road to Colvile. On Sunday morning, the sixteenth, when near the To-hoto-nim-me, in the Spokane country, we found ourselves suddenly in the presence of ten or twelve hundred Indians of various tribes,—Spokanes, Palouses, Cœur d'Alenes, Yakimas and some others,—all armed, painted and defiant. I moved slowly along the bases of several hills, which were all crowned by the excited savages. Perceiving that it was their purpose to attack us in this dangerous place, I turned aside and encamped, the whole wild, frenzied mass moving parallel to us, and, by yells, taunts and menaces, apparently trying to drive us to some initiatory act of violence. Towards night, a number of the chiefs rode up to talk with me, and inquired what were our motives in this intrusion upon them. I answered, that we were passing on to Colvile, and had no hostile intentions towards the Spokanes, who had always been our friends, nor towards any other tribes who were friendly; that my chief aim in coming so far was to see the Indians and white people at Colvile, and, by friendly discussions with both, endeavor to strengthen their good feelings for each other. They expressed themselves satisfied, but would not consent to let me have canoes, without which it would be impossible to cross the Spokane river. I concluded for this reason to retrace my steps at once, and the next morning (seventeenth) turned back towards the post. We had

not marched three miles when the Indians, who had gathered on the hills adjoining the line of march, began an attack on the rear guard; and immediately the fight became general.

"We labored under the great disadvantage of having to defend the pack-train while in motion and in a rolling country peculiarly favorable to the Indian's mode of warfare. We had only a small quantity of ammunition; but in their excitement the soldiers could not be restrained from firing in the wildest manner. They did, however, under the leading of their respective commanders, sustain well the reputation of the army for some hours, charging the enemy repeatedly with gallantry and success. The difficult and dangerous duty of flanking the column was assigned to Brevet Captain Taylor and Lieutenant Gaston, to both of whom it proved fatal. The latter fell at twelve o'clock; and the enemy soon after charging formally upon the company, it fell back in confusion and could not be rallied. About half an hour after this, Captain Taylor was brought in mortally wounded; upon which I immediately took possession of a convenient height and halted. The fight continued here with unabated activity, the Indians occupying neighboring heights and working themselves along to pick off our men. The wounded increased in number continually. Twice the enemy gave unmistakable evidence of a design to carry our position by assault; and their number and desperate courage caused me to fear the most serious consequences to us from such an attempt on their part. It was manifest that the loss of their officers and comrades began to tell upon the spirit of the soldiers; that they were becoming discouraged, and were not to be relied upon with confidence. Some of them were recruits who had but recently joined. Two of the companies had musketoons, which were utterly useless in our present condition; and, what was most alarming, only two or three rounds of cartridges remained to some of the men, and but few to any of them.

"It was plain that the enemy would give the troops no rest during the night, and that they would be still further disqualified for stout resistance on the morrow; while the number of the enemy would certainly be increased. I determined, for these reasons, to make a forced march to Snake river, about eighty-five miles distant, and secure canoes in advance of the Indians, who had already threatened to do the same in regard to us. After consulting with the officers, all of whom urged me to the step as the only means in their opinion of securing the safety of the command, I concluded to abandon everything that might impede our march. Accordingly, we set out about ten o'clock in perfectly good order, leaving the disabled animals and such as were not in a condition to travel so far and so fast, and with deep pain I have to add the two howitzers. The necessity for this last measure will give you, as well as many words, a conception of the strait to which we believed ourselves to be reduced. Not an officer of the command doubted but that we would be overwhelmed with the first rush of the enemy upon our position in the morning. To retreat further by day, with wounded men and property, was out of the question,—to retreat slowly by night equally so,—as we could not then be in condition to fight all next day. It was therefore necessary to relieve ourselves of all incumbrances and to fly. We had no horses able to carry the guns over eighty miles without resting; and, if the enemy should attack us *en route*, as from their ferocity we certainly expected they would, not a soldier could be spared for any other duty than skirmishing. For these reasons, which I own candidly seemed to me more cogent at the time than they do now, I resolved to bury the howitzers. What distresses me is that no attempt was made to bring them off; and all I can add is that, if this was an error of judgment,

it was committed after the calmest discussion of the matter, in which, I believe, every officer agreed with me.

"Inclosed is a list of the killed and wounded. The enemy acknowledges a loss of nine killed and forty or fifty wounded, many of them mortally. It is known to us that this is an underestimate; for one of the officers informs me that, on a single spot where Lieutenants Gregg and Gaston met in a joint charge, twelve dead Indians were counted. Many others were seen to fall.

"Report of the killed, wounded and missing in the battle at To-hoto-nim-me, May 17, 1858: Company C, First Dragoons; killed, Brevet Captain O. H. Taylor, Private Alfred Barnes; mortally wounded, Private Victor Charles deMoy; severely wounded, Privates James Lynch and Henry Montreville; slightly wounded, Farrier Elijah R. Birch. Company E, First Dragoons; killed, Second Lieutenant William Gaston; mortally wounded, First Sergeant William C. Williams; severely wounded, James Kelly, William D. Micon, and Hariot Sneckster; slightly wounded, James Healy, Maurice Henly, Charles Hughes and John Mitchell. Company H, First Dragoons; killed, Privates Charles H. Harnish and James Crozet; missing, First Sergeant Edward Ball. Company E, Ninth Infantry; severely wounded, Private Ormond W. Hammond; slightly wounded, Privates John Klay and Gotleib Berger."

Lieutenant Gregg, who commanded Company H, First Dragoons, in the Steptoe disaster, thus referred to the fight:

"On Sunday morning, May 16th, on leaving camp, we were told that the Spokanes were assembled and ready to fight us. Not believing this, our march was continued until about eleven o'clock, when we found ourselves in the presence of six hundred warriors. The command was halted for the purpose of having a talk, in which the Spokanes announced that they had heard we had gone out for the purpose of wiping them out, and that if that was the case they were ready to fight us, and that we should not cross Spokane river. The Indians were well mounted, were armed principally with rifles, and were extended along one flank, at a distance of a hundred yards. After some talk, the Colonel told us we would have to fight; and we immediately put ourselves into position to move to better ground, determined that the Spokanes should fire the first gun. After marching a mile we reached a lake, where we held another talk with the Indians, from which nothing resulted except insulting demonstrations on their part. We dared not dismount, and were in the saddle three hours, until the setting of the sun dispersed the Indians.

"I was ordered to move forward and occupy a hill that the Indians were making for; and after a close run I gained it in advance. The Indians moved around and took possession of another one commanding that which I occupied. Leaving a few men to hold the first hill, I charged the second and drove them off. At this time the action was general. The dragoons, numbering one hundred and ten men, were fighting five hundred Indians. The companies were separated from each other nearly a thousand yards, and fought entirely by making short charges. At eleven o'clock I was reinforced by the howitzers; and the other dragoons began to move towards the position I held, the Indians pressing them closely. As E company was approaching, a large body of Indians got between it and my company. Seeing Lieutenant Gaston making preparations to charge them, I charged at the same time. The result was that our companies met, having the Indians in a right angle, where we left twelve dead Indians. After getting together we kept up the fight for half an hour, and again started forward to reach water, moving half a mile under constant fire, under which Taylor and Gaston fell. We finally reached a hill



HON. M. Z. GOODELL,
MONTESANO, W. T.

near the summit; and, the Indians having completely surrounded us, we dismounted and picketed our horses on the flat summit and posted our men around the crest, making them lie flat on the ground, as the Indians were threatening to charge the hill; but, although outnumbering us five to one, they could not succeed.

"We were kept in this position until nine P. M., when we mounted and left the hill; and after a ride of ninety miles, mostly at a gallop, and without a rest, we reached Snake river at Red Wolf's crossing, and were met by our friends, the Nez Perces.

"It will take a thousand men to go through the Spokane country."

The details concerning that expedition, as stated by eye-witnesses and participants in that sickening repulse to the intelligent and industrious author of "Historic Sketches of Walla Walla," have been admirably summed up into an interesting chapter. Several other statements made do not materially vary from that narrative. All agree: 1st. That the command of Lieutenant-Colonel Steptoe was very badly worsted by the hostiles, and that they made a very miraculous escape from the trap set by Kamiakin; and that it would have been much more magnanimous and creditable in the commander to have admitted how greatly he was indebted to the friendly Indian, Timothy, for that escape. 2d. That he was criminally negligent in starting upon such an expedition without ammunition. 3d. That he largely magnified the number of the hostiles by whom he was attacked; that Lieutenant Gregg's estimate is about correct as to the number in the hostile party; that the war party consisted of Spokanes, who furnished the largest number, Palouses, Cœur d'Alenes, Yakimas, Walla Wallas and Lower Pend d'Oreilles.

At the time of Lieutenant-Colonel Steptoe's rout, Brevet Brigadier-General N. S. Clarke, U. S. Army, had succeeded General Wool as commander of the Department of the Pacific. Colonel Wright, on being advised of Lieutenant-Colonel Steptoe's disastrous repulse from the Indian territory, at once informed the commanding general of the department of the situation: "That all the Indians in that section of the country have combined for a general war, there is no shadow of doubt. They are numerous, active, and perfectly acquainted with the topography of the country; hence, a large body of troops will be necessary if, as I presume, it is designed to bring the Indians under subjection, and signally chastise them for this unwarranted attack upon Colonel Steptoe. It is my opinion that one thousand troops should be sent into the country, thus enabling the commander to pursue the enemy in two or three columns." Lieutenant-Colonel Steptoe reported: "From the best information to be obtained, about half of the Spokanes, Cœur d'Alenes, and probably the Flatheads, nearly all the Palouses, a portion of the Yakimas, and, I think, a small number of Nez Perces, with scattered bands of various petty tribes, have been for some time, and are now, hostile."

On the 4th of July, 1858, General N. S. Clarke assigned to Colonel George Wright the command of the troops to be employed against the Indians north and east of Fort Walla Walla. His orders were: "That Colonel Wright proceed to Fort Walla Walla, assume command of the troops, leave Brevet Lieutenant-Colonel Steptoe a sufficient garrison to secure Walla Walla, and prepare to move with a column of not less than six hundred men, as soon as practicable after the 1st of August. The objects to be obtained are the punishment and submission of the Indians engaged in the late attack on the command of Lieutenant-Colonel Steptoe, and the surrender of the Palouse Indians who murdered two miners in April last. These men are known to Lieutenant-Colonel Steptoe."

The Catholic Fathers Congeato and Joset had made an appeal for amnesty to the Cœur d'Alenes, urging their penitence and their representations that they had been

deceived by Kamiakin and the Nez Perces. General Clarke was willing to receive their submission; but he instructed Colonel Wright: "The delivery of the insubordinate Indians who fired on the troops, and the restoration of the howitzers abandoned by the troops, must be conditions precedent to any accommodation." General Clarke further instructed: "Your intention to declare martial law, and to forbid Whites to enter the Indian country, as soon as you cross Snake river, has been made known to the commanding general. The absolute necessity to which such an act must appeal for its justification is not apparent; and the general forbids it. The Hudson's Bay Company has the right of entry, guaranteed by treaty; and this must not be denied them on the mere suspicion that some of the employés are ill disposed; and our own citizens, from whom no danger is to be apprehended, must not be injured in their interests."

General Clarke then adopted vigorous measures to stop the purchase by the Hudson's Bay Company's agent at Fort Colvile of horses and other property stolen from the United States, and the sale of ammunition to the Indians making war against the United States. The General had received letters from Colvile stating: "I met at Colvile the Cœur d'Alene chief, with some ten others of the same tribe. They came well mounted on United States horses and mules. They are offering the mules for sale. Some were bought by the Hudson's Bay Company. I told the gentleman in charge that I had no orders to stop it, but I did not think it right to furnish a market for stolen animals to the enemy. The Hudson's Bay Company's train (some two hundred head of horses) starts in a few days for Fort Hope for the year's outfit. I think they are to bring some two thousand pounds of powder, with a proportionate amount of ball. This, as a matter of course, will find its way into the hostile camp, or at least a large portion of it. The trade in ammunition might be stopped here; but, as the gentleman in charge told me, we could not prevent the company trading at Fort Forty-Nine, which is another post thirty miles above Colvile."

Sending copies of these to the officer in charge at Fort Vancouver, General Clarke protested against the continuance of such unfriendly, unlawful and contraband trade. It may also be added that James A. Graham, in charge at Fort Vancouver, and Governor James Douglas of Vancouver Island, co-operated promptly in checking the continuance of such acts by the employés of the company.

On the 6th of August, Colonel Wright negotiated a treaty with the Nez Perces, as follows: "1st. There shall be perpetual peace between the United States and the Nez Perce nation; 2d. In the event of war between the United States and any other people whatever, the Nez Perces agree to aid the United States to the extent of their ability; 3d. In the event of war between the Nez Perces and any other tribe, the United States agree to aid the Nez Perces with troops; 4th. When the Nez Perces take part with the United States in war, they shall be furnished with such arms, ammunition, provisions, etc., as shall be necessary; 5th. When the United States take part with the Nez Perces in war, they (the United States) will not require the Nez Perces to furnish anything to the troops unless paid for at a fair price; 6th. Should any misunderstanding arise hereafter between the troops and the Nez Perces, it shall be settled by their respective chiefs in friendly council."

Before proceeding to the campaign of Colonel Wright in the country north and east of Walla Walla, the co-operative campaign of Major Garnett in the Yakima country must be noticed. On the 18th of July, General Clarke, commander of the Department of the Pacific, marched two companies of the Fourth Infantry from Fort Vancouver to Fort Simcoe, to join Major Garnett's command. That officer was instructed: "Leave a

sufficient force to garrison Fort Simcoe, and with the remainder take the field to punish the Indians who in June, 1858, attacked a party of miners in the Yakima country; and make such an impression upon and arrangements with those and other tribes, as will secure the lives of the Whites and their property. The tribe by whom the attack was made must deliver the individual offenders, or you must drive the whole to submission by severe punishment. Your rear must be secured from danger by hostages given for their good behavior. If they refuse to comply with this condition, they must be treated as hostiles. All must be driven to feel that, in the future, the demands of the government must meet with obedience. Kamiakin and Qualchen cannot longer be permitted to remain at large in the country. They must be surrendered or driven away. No accommodation must be made with any who will harbor them. Any tribe, the members of which give assistance to either of those troublesome Indians, will be considered as hostiles."

On the 15th of August, Major Garnett reported the death of Second Lieutenant Jesse K. Allen, Ninth Infantry. He fell that morning, having, in command of fifteen mounted men, accomplished the successful surprise of a hostile Yakima camp, capturing twenty-one men, fifty women and children, seventy head of horses and fifteen head of cattle, besides a large quantity of Indian property. Three of the men, having been identified as participants in the attack on the miners, were shot. Another party, detailed by Major Garnett, consisting of sixty men, commanded by Lieutenant Crook, Fourth Infantry, captured five of the hostiles who had attacked the miners; and they were shot. The remainder of the party had eluded their pursuers, crossed the Columbia, and had joined Owhi, Qualchen and Skloom.

On the 15th of August, Colonel Wright left Fort Walla Walla on his northern expedition. His force consisted of four companies of the First Dragoons, Major Wm. N. Grier; five companies of the Third Artillery, Captain Erasmus D. Keyes; two companies of the Ninth Infantry, Captain F. T. Dent; thirty friendly Nez Perces, Lieutenant John Mullan,—in all numbering six hundred men. Fort Taylor, named after Captain Taylor, who had fallen in Colonel Steptoe's engagement with the hostiles, had been erected on the left bank of the Snake river, at the mouth of the Tucanon. It was garrisoned by Brevet Major Wyse with one company of the Third Artillery. Two six pounders and two howitzers were mounted there. The expedition, which crossed the Snake river on the 25th and 26th of August and camped on the right bank of the river, consisted of five hundred and seventy regulars, thirty friendly Nez Perce Indians, one hundred employés, eight hundred animals, and subsistence for thirty-eight days. Advancing on the morning of the thirtieth, occasionally a few hostiles were seen on the hilltops on the right flank, increasing in numbers through the day, and moving in a parallel line with the troops. After a march of eighteen miles, the force encamped, when the Indians approached the pickets and commenced firing. Colonel Wright moved out with a portion of his command, and the Indians fled. He pursued them for four miles. On the next day the same tactics were pursued by the Indians, who were increasing in numbers. They made an attack on the supply train, but were dispersed and driven off by the rear guard.

On the 1st of September was fought the Battle of Four Lakes, against the Spokane, Cœur d'Alene and Palouse Indians. Early in the morning the hostiles were observed collecting upon the summit of a hill, distant two miles. The troops were immediately ordered under arms to drive the enemy and make a reconnaissance of the country ahead.

At half past nine A. M., Colonel Wright marched from camp with two squadrons of the First Dragoons, commanded by Brevet Major William N. Grier; four companies of the Third Artillery, armed with rifled muskets, commanded by Captain E. D. Keyes; the rifle battalion of two companies of the Ninth Infantry, commanded by Captain F. T. Dent; one mountain howitzer under command of Lieutenant J. L. White, Third Artillery; and thirty friendly Nez Perce Indian allies, under Lieutenant John Mullan, Second Artillery. The camp was guarded by Company M, Third Artillery, Lieutenants H. G. Gibson and G. B. Dandy, one mountain howitzer manned, and a guard of fifty-four men under Lieutenant H. B. Lyon,—the whole commanded by Captain J. A. Hardie, officer of the day. Major Grier, with the dragoons, advanced around the base of the hill occupied by the Indians, to intercept their retreat when driven from the summit by the troops on foot. Colonel Wright with the artillery, rifle battalion and Nez Perces marched to the right of the hill, where it was easiest of access, to push the Indians in the direction of the dragoons, and arrived within six hundred yards of the hill. Captain Keyes advanced Company K, Third Artillery, commanded by Captain E. O. C. Ord and Lieutenant Morgan, in co-operation with the Second Squadron of dragoons, commanded by Lieutenant Davidson, who drove the Indians to the foot of the hill, where they rallied under cover of ravines, trees and bushes.

The Indians kept up a constant fire upon the two squadrons of dragoons who awaited the arrival of the foot troops. In front was a vast plain where five hundred mounted warriors, wild with excitement, were rushing to and fro. To the right at the foot of the hill, the hostiles were to be seen in large numbers. Captain Keyes, with two companies of his battalion commanded by Lieutenants Ramson and Ihrie, with Lieutenant Howard, was ordered to deploy along the crest of the hills in the rear of the dragoons, and facing the plain. The rifle battalion, under Captain Dent, composed of two companies of the Ninth Infantry, under Captain Winder and Lieutenant Fleming, was ordered to move to the right and deploy in front of the pine forest. The howitzer, under Lieutenant White, supported by a company of the Third Artillery, Lieutenant Tyler, was advanced to the plateau. In five minutes the troops were deployed, and the advance ordered. Captain Keyes moved steadily down the long slope, passed the dragoons and opened a sharp fire which drove the hostiles to the plains and pine forest; while Captain Dent with the rifle battalion, the howitzer and Lieutenant Tyler's company of artillery, were hotly engaged with the Indians in the pine forest, whose number was being constantly augmented by the retreating fugitives from the left. Captain Keyes continued to advance, the Indians slowly retiring, and Major Grier leading his horses in the rear. At a signal the dragoons mounted and rushed with lightning speed through the intervals of skirmishers, and charged the Indians on the plain, completely routing and dispersing them. In the meantime the rifle battalion, and Company A, Third Artillery, with the howitzer, had driven the Indians from the forest. The Indians were pursued by the dragoons over the hills, where they halted to rest. But a few scattered Indians could be seen on the distant hilltops. They were sent out of sight by a couple of shots from the howitzer. The battle had been won without the loss of a man, either killed or wounded. The enemy lost twenty killed and as many more wounded. The troops had returned to camp by two o'clock in the afternoon.

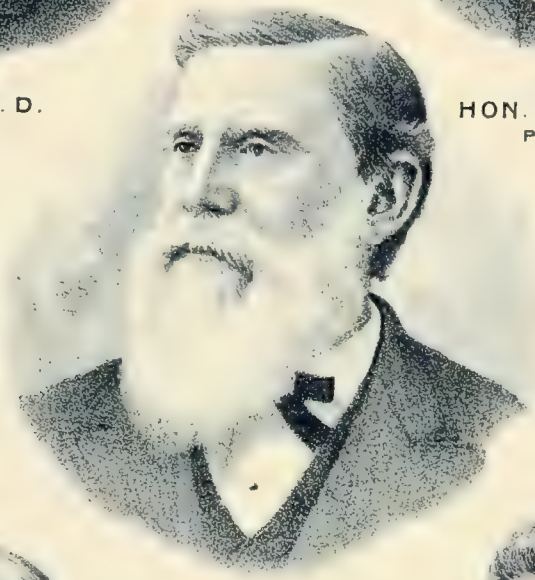
On the fifth, Colonel Wright fought the Battle of Spokane Plains. The enemy consisted of Spokanes, Cœur d'Alenes, Palouses and Pend d'Oreilles, numbering between five and seven hundred warriors. Leaving camp at Four Lakes, at 6:30 on the morning of the



R. GLISAN M. D.
PORTLAND OR.



HON. R. P. EARHART.
PORTLAND OR.



HON. Z. F. MOODY.
THE DALLES OR.



HON. JOHN CATLIN
PORTLAND OR



ANDREW ROBERTS.
PORTLAND OR.

fifth, the command followed the margin of a lake for three miles, and thence two miles over a broken country, thinly scattered with pines. Emerging on the open prairie, about three miles distant to the right and in front, the hostiles were discovered, moving rapidly, apparently with a view to intercept the command before it reached the timber. After a halt to close up the lengthy pack train, the column again advanced, and found that the Indians were setting fire to the grass at various points in front and upon the right flank. Captain Keyes was ordered to advance three companies deployed as skirmishers to the front and right. This order was promptly obeyed; and Company K, Captain Ord, Company M, Lieutenant Gibson, and Company A, Lieutenant Tyler, were thrown forward. Captain Hardie, Company G, Third Artillery, was deployed to the left; and the howitzer, under Lieutenant White, supported by Company E, Ninth Infantry, Captain Winder, was advanced to the line of skirmishers. The Indians attacked in front and on both flanks. The prairie fires nearly enveloped the whole command, and were fast approaching the troops and the pack train. Not a moment was to be lost. The advance was ordered. Through the flames gallantly dashed the skirmishers, the howitzer and Major Grier's squadron of dragoons; whilst the Indians sought shelter in the forest and rocks. The howitzer was got into position; and Lieutenant White opened fire with shells, which soon drove the Indians out of cover, when they were again pursued. The pack train had been concentrated and guarded by Captain Dent.

A large body of Indians had been concentrated upon the left. The line moved quickly forward; and the firing became general throughout the front, which was occupied by Captains Ord and Hardie and Lieutenant Tyler, and the howitzer under Lieutenant White, with Lieutenant Gregg's squadron of dragoons, who were awaiting the opportunity to make a dash. Lieutenant Gibson at the same time, with Company M, Third Artillery, drove the Indians on the right front. An open prairie intervening, Major Grier passed the skirmishers with his and Lieutenant Pender's companies of dragoons, charged the Indians, killing two and wounding three. The whole line and train advanced steadily, driving the Indians over rocks and through ravines. The point of direction having been changed to the right, Captain Ord and his company on the extreme left of the skirmishers were confronted by a large number of the hostiles. They were charged by Captain Ord and driven successively from three high table rocks, where they had sought refuge. He pursued them until, approaching the train, he occupied the left flank. Captain Ord was assisted by Captain Winder and Lieutenants Gibson and White, who followed into the woods after him. Moving towards Spokane river, the Indians still in front, Lieutenants Ihrie and Howard, with Company B, Third Artillery, were thrown out on the right flank and instantly cleared the way. After a continuous fight for seven hours over a distance of fourteen miles, Colonel Wright camped on the Spokane, the troops having become exhausted by a fatiguing march of twenty-five miles without water, and having been for two-thirds of that distance under fire. The battle had been won. Two chiefs, and two brothers of the head chief, Spokane Gary, had been killed, besides many of lesser note. Colonel Wright's loss was one man slightly wounded.

On the sixth, Colonel Wright remained at his camp, three miles below Spokane Falls. The enemy made no hostile demonstrations, although numbers approached the opposite bank of the river and intimated a desire to talk; but no direct communication was had that day, the river being too wide, and also deep and rapid. Early on the morning of the seventh, Colonel Wright advanced along the left bank of the Spokane, and soon the Indians were on the opposite side. A talk commenced with the friendly Nez Perces

and the interpreters. They said that Gary was near by, and that they and he desired an interview with the Colonel. A meeting was appointed at the ford, two miles above the falls.

The foregoing accounts of the battles fought by Colonel Wright are freely copied from the official reports. The attitude of those Indians, and the Clarke-Wright policy of dealing with the question, so diametrically opposed to that of General Wool, and the fact so apparent that all the present troubles were directly originated by the unpunished malcontents of the war of 1855–56, which never had been ended, makes it most interesting to embody the *verbatim* official reports.

Colonel Wright thus reported that interview: "I halted at the ford and encamped, soon after which Gary crossed over and came to me. He said that he had always been opposed to fighting, but that the young men and many of the chiefs were against him, and that he could not control them. I then told him to go back, and to speak as follows for me to all the Indians and their chiefs: 'I have met you in two bloody battles. You have been badly whipped. You have had several chiefs and many warriors killed or wounded. I have not lost a man nor animal. I have a large force. You Spokanes, Cœur d'Alenes, Palouses and Pend d'Oreilles may unite; but I can defeat you as badly as before. I did not come into this country to ask you to make peace. I came here to fight. Now, when you are tired of the war, and ask for peace, I will tell you what you must do. You must come to me with your arms, with your women and children, and everything you have, and lay them at my feet. You must put your faith in me and trust to my mercy. If you do this, I shall then dictate the terms upon which I will grant you peace. If you do not do this, war will be made on you this year and next, and until your nation shall be exterminated.'

"I told Gary that he could go and say, to all the Indians that he might fall in with, what I had said, and also say that, if they did as I demanded, no life should be taken. Gary promised to join me the following morning on the march.

"After my interview with Gary, the chief Polotkin, with nine warriors, approached and desired an interview. I received them. I found this warrior was the writer of one of the three letters sent to you by Congeato; that he had been conspicuous in the affair with Colonel Steptoe, and was the leader in the battles of the first and fifth instants. They had left their rifles on the opposite bank. I desired the chief and warriors to sit still, while two of his men were sent over to bring me the rifles. I then told this chief that I desired him to remain with me, with one of his men whom we recognized as having lately been at Walla Walla with Father Ravelle, and who was strongly suspected of having been engaged in the murder of the two miners in April last. I told the chief that I wished him to send his other men, and bring in all of them, with their arms and families. I marched at sunrise on the morning of the eighth, and at the distance of nine miles discovered a cloud of dust in the mountains to the front and right, and evidently a great commotion in that quarter. I closed up the train, and left it guarded by a troop of horse and two companies of foot. I then ordered Major Grier to push rapidly forward with three companies of dragoons; and I followed with the foot soldiers. The distance proved greater than was expected, deep ravines intervening between us and the mountains; but the dragoons and Nez Perces under Lieutenant Mullan were soon seen passing over the first hills. The Indians were driving off their stock, and had gone so far into the mountains that our horsemen had to dismount. After a smart skirmish, they succeeded in capturing at least eight hundred head of horses; and, when the

foot troops had passed over the first mountain, the captured animals were seen approaching under charge of Lieutenant Davidson, with his men on foot, and the Nez Perces. The troops were then reformed and moved to this camp. I had previously sent an express to the pack train to advance along the river. After camping last evening, I investigated the case of the Indian prisoner, suspected of having been engaged in the murder of the two miners. The fact of his guilt was established beyond doubt; and he was hanged at sunset."

On the 10th of September, Colonel Wright received, from Father Joset of the Cœur d'Alene Mission, a dispatch announcing that the hostile Cœur d'Alenes were suing for peace. Colonel Wright thus reported his answer: "I have just sent off Father Joset's messenger. I said to the Father, that he could say to those who had not been engaged in this war, that they had nothing to fear; that they could remain in quiet with their women and children around them; to say to all Indians, whether Cœur d'Alenes, or belonging to other tribes, who have taken part in this unhappy war, that if they are sincere and truly desire a lasting peace, they must all come to me with their guns, with their *families*, and all they have, and trust entirely to my mercy; that I promise only that no life shall be taken for acts committed during the war. I will tell them what I do require before I grant them peace. As I reported, in my communication of yesterday, the capture of eight hundred horses on the eighth instant, I have now to add that this large band of horses composed the entire wealth of the Palouse chief Til-co-ax. This man has ever been hostile; for the last two years he has been constantly sending his young men into the Walla Walla valley, and stealing horses and cattle from the settlers and from the government. He boldly acknowledged these facts when he met Colonel Steptoe in May last. Retributive justice has now overtaken him; and the blow has been severe but well merited. I found myself embarrassed with these eight hundred horses. I could not hazard the experiment of moving with such a train; should a stampede take place, we might not only lose our captured animals, but many of our own. Under these circumstances, I determined to kill them all, save a few for service in the quartermaster's department and to replace broken down animals."

Colonel Wright reached Cœur d'Alene Mission on the fourteenth. He reported: "I found the Indians here in much alarm as to the fate which awaited them; but happily they are now quieted. Father Joset has been extremely zealous and persevering in bringing in the hostiles. They are terribly frightened; but last evening and to-day they have been coming in quite freely with their women and children, and turning over to the quartermaster such horses, mules, etc., as they have, belonging to the United States.

"The hostile Spokanes have, many of them, gone beyond the mountains and will not return this winter. The Palouses, with their chiefs Kamiakin and Til-co-ax, are not far off; but it is doubtful whether they will voluntarily come in. If they do not, I shall pursue them as soon as I can settle with the Cœur d'Alenes.

"The chastisement which these Indians have received has been severe but well merited, and was absolutely necessary to impress them with our power. For the last eighty miles, our route has been marked by slaughter and devastation. Nine hundred horses and a large number of cattle have been killed or appropriated to our own use. Many horses, with kamas, and great quantities of dried berries, have been destroyed. A blow has been struck which they will never forget.

"On the seventeenth instant, the entire Cœur d'Alene nation having assembled at my camp near the mission, I called them together in council. I then stated to them

the cause of my making war upon them. I made my demand specifically: 1st. That they should surrender to me the men who commenced the attack on Lieutenant-Colonel Steptoe, contrary to the orders of their chiefs; 2d. That they should deliver up to me all public or private property in their possession, whether that abandoned by Lieutenant-Colonel Steptoe, or received from any other source; 3d. That they should allow all white persons to travel at all times through their country unmolested; 4th. That, as security for their future good behavior, they should deliver to me *one* chief and *four* men with their families, as hostages, to be taken to Fort Walla Walla. After a brief consultation, they announced their determination to comply with all my demands in every particular, in sincerity and good faith. All the Cœur d'Alene nation, with the exception of some six or eight, were present at the council; and, as an evidence that they had previously determined to make peace on any terms, they brought with them their families, and all the property they had belonging to the government or to individuals, ready and willing to submit to such terms as I should dictate. The chiefs and head men came forward and signed the preliminary articles of a treaty of peace and friendship, and in the course of the day fulfilled, as far as practicable, my demands, by delivering up horses, mules and camp equipage. The chiefs and head men expressed great grief and apparently sincere repentance for their misconduct, which had involved them in a war with the United States. I have never witnessed such a unanimity of feeling, nor such manifestations of joy, as were expressed by the whole Cœur d'Alene nation, men, women and children, at the conclusion of the treaty. *They know us; they have felt our power;* and I have full faith that henceforth the Cœur d'Alenes will be our staunch friends.

"I marched from the Cœur d'Alene Mission on the morning of the eighteenth, having with me the prisoners, hostages, and many other Cœur d'Alenes as guides, etc.

"Marching from my camp on the morning of the twenty-second, at the distance of three miles we emerged from the woods onto the open prairie, and, after pursuing a west-southwest course for eighteen miles over a rolling country thinly studded with pines, we reached this place and encamped.

"Before reaching here I was advised that the whole Spokane nation were at hand, with all their chiefs, head men and warriors, ready and willing to submit to such terms as I should dictate.

"Yesterday at ten o'clock A. M., I assembled the Indians in council; and, after enumerating the crimes they had committed, I made the same demands upon them which had been made upon the Cœur d'Alenes.

"Speeches were made by the principal chiefs. They acknowledged their crimes, and expressed great sorrow for what they had done, and thankfulness for the mercy extended them. They stated that they were all ready to sign the treaty, and comply in good faith with all its stipulations.

"The chiefs Gary, Polotkin and Mil-kap-si were present; the first two are Spokanes; the last is a Cœur d'Alene. It will be recollected that each of those men wrote a letter to the general in August last. That of Mil-kap-si was particularly significant, haughty and defiant in tone, and stated that he was willing to make peace if *we* desired it, but that he was unwilling to take the initiative. This man was not present when the treaty was made with the Cœur d'Alenes. Now he comes in and humbly asks for peace, and that he may be allowed to sign the treaty. I granted his request; but I took occasion before the whole council to remind him of his letter to General Clarke, and to say to him that *we* had not asked for peace.



HON. CHARLES N. BYLES,
MONTESANO, W. T.

"Among this assemblage of Spokane Indians were representatives from the Calespelles and some other small bands, who stated that they had not engaged personally in the war, but that some of their young men had been in the fights. I did not make any special treaty with them, but told them that they might consider themselves on the same footing as the Spokanes, so long as they refrained from war, and conformed to the articles of the Spokane treaty.

"The entire Spokane nation, chiefs, head men and warriors expressed great joy that peace was restored, and promised, before the Great Spirit, to remain our true friends forevermore. They have suffered; they have *fell* us in battle; and I have faith that they will keep their word.

"At sunset on September 23d, the Yakima chief Owhi presented himself before me. He came from the lower Spokane river, and told me that he had left his son Qual-chen at that place. I had some dealings with this chief Owhi when I was on my Yakima campaign in 1856. He came to me when I was encamped on the Nahchess river, and expressed great anxiety for peace, and promised to bring in all his people at the end of seven days. He did not keep his word, but fled over the mountains. I pursued him and he left the country. I have never seen him from that time until last evening. In all this time he has been considered as semi-hostile; and no reliance could be placed on him.

"This man Qual-chen spoken of above is the son of Owhi. His history for three years past is too well known to need recapitulation. He has been actively engaged in all the murders, robberies and attacks upon the white people since 1855, both east and west of the Cascade Mountains. He was with the party who attacked the miners on the Wenatche river in June last, and was severely wounded; but, recovering rapidly, he has since been committing assaults on our people whenever an opportunity offered. Under these circumstances, I was very desirous of getting Qual-chen in my power. I seized Owhi and put him in irons. I then sent a messenger for Qual-chen desiring his presence forthwith, with notice that if he did not come I would hang Owhi. Qual-chen came to me at nine o'clock this morning; and at 9:15 A. M he was hanged.

"On the 23d, Brevet Major Grier, with three troops of dragoons, went to Colonel Steptoe's battle ground, twelve miles south of this place. He returned on the 25th, bringing the remains of Captain Taylor and Lieutenant Gaston, who fell in the battle, and also the two howitzers abandoned by the troops when they retreated.

"On the evening of the twenty-fifth, many of the Palouse Indians began to gather in my camp. They represented themselves as having been in both battles, and that, when Kamiakin fled over the mountains, they seceded from his party, and were now anxious for peace. I seized fifteen of them; and, after a careful investigation of their cases, I found that they had left their own country and had waged war against the forces of the United States, and that one of them had killed a sergeant of Colonel Steptoe's command, who was crossing the Snake river. I had promised those Indians severe treatment if found with the hostiles; and accordingly *six* of the most notorious were hanged on the spot. The others were ironed for the march.

"I left my camp on the Ned-whauld (Lahtoo), on the morning of the twenty-sixth, and after a march of four cold, rainy days, reached this place (Palouse river) last evening.

"On the twenty-seventh, I was met by the Palouse chief, Slow-i-archy. This chief has always lived at the mouth of the Palouse, and has numerous testimonials of good character, and has not been engaged in hostilities. He has about twenty-five men, besides

women and children, probably one hundred in all. He told me that some of his young men had, contrary to his advice, engaged in the war, but that they were all now assembled and begging for peace. Slow-i-archy had five men with him; and he dispatched two of them, the same day he met me, high up the Palouse to bring in the Indians from that quarter, whom he represented as desirous of meeting me.

"After I encamped last evening, Slow-i-archy went down the river about two miles and brought up all his people, men, women and children, with all the property they had; and, early this morning, a large band of Palouses, numbering about one hundred men, women and children, came in from the Upper Palouse. These comprise pretty much all the Palouses left in the country. A few have fled with Kamiakin, who is represented as having gone over the mountains and crossed Clark's fork.

"After calling the Palouses in council, I addressed them in severe language, enumerated their murders, thefts and war against the United States troops. I then demanded the murderers of the two miners in April last. One man was brought out and hanged forthwith. Two of the men who stole the cattle from the Walla Walla valley were hanged at my camp on the Ned-whauld; and one of them was killed in the Battle of Four Lakes. All the property they had, belonging to the government, was restored. I then brought out my Indian prisoners, and found three of them were either Walla Wallas or Yakimas. They were hanged on the spot. One of the murderers of the miners had been hanged by the Spokanes.

"I then demanded of these Indians one chief and four men, with their families, to take to Fort Walla Walla as hostages for their future good behavior. They were presented and accepted.

"I told these Indians that I would not make any written treaty of peace with them; but, if they performed all I required of them, that next spring a treaty should be made with them.

"I said to them that white people should travel through their country unmolested. That they should apprehend and deliver up every man of their nation who had been guilty of murder or robbery. All this they promised me. I warned them that, if I ever had to come into this country again on a hostile expedition, no man should be spared; that I would annihilate the whole nation.

"I have treated these Indians severely; but they justly deserved it all. They will remember it."

Colonel Wright added: "The war is closed. Peace is restored with the Spokanes, Cœur d'Alenes and Palouses. After a vigorous campaign, the Indians have been entirely subdued, and were most happy to accept such terms of peace as I might dictate. *Results:* 1. Two battles were fought by the troops under my command, against the combined forces of the Spokanes, Cœur d'Alenes and Palouses, in both of which the Indians were signally defeated, with a severe loss of chiefs and warriors, either killed or wounded; 2. One thousand horses, and a large number of cattle were captured from the hostile Indians, all of which were either killed or appropriated to the service of the United States; 3. Many barns filled with wheat or oats, also several fields of grain, with numerous *caches* of vegetables, dried berries and *kamas*, were destroyed, or used by the troops; 4. The Yakima chief, Owhi, is in irons; and the notorious war chief, Qual-chen, was hanged. The murderers of the miners, the cattle stealers, etc. (in all, eleven Indians), were hanged; 5. The Spokanes, Cœur d'Alenes and Palouses have been entirely subdued, and have sued most abjectly for peace on any terms; 6. Treaties have been made with

the above-named nations. They have restored all property which was in their possession, belonging either to the United States or to individuals. They have promised that all white people can travel through their country unmolested, and that no hostile Indians shall be allowed to pass through or remain among them; 7. The Indians who commenced the battle with Lieutenant-Colonel Steptoe contrary to the orders of their chiefs have been delivered to the officer in command of the United States troops; 8. One chief and four men, with their families, from each of the above-named tribes, have been delivered to the officer in command of the United States troops, to be taken to Fort Walla Walla and held as hostages for the future good conduct of their respective nations; 9. The two mounted howitzers abandoned by the troops under Lieutenant-Colonel Steptoe have been recovered."

General Clarke, in his closing report of those operations which secured peace and put at rest Indian outbreaks, murders and robberies in the Yakima and Walla Walla countries, and enabled both to be opened to settlement, thus remarked: "Some time since I was persuaded that the treaties made by Governor Stevens, Superintendent of Indians Affairs for Washington Territory, with the Indian tribes east of the Cascade Range, should not be confirmed. Since then circumstances have changed, and with them my views. The Indians made war and were subdued. By the former act, they lost some of their claims to consideration; and, by the latter, the government is enabled and justified in taking such steps as may give the best security for the future."

Chapter LVII.

(1856–1873.)

Southern Oregon — Counties of Josephine and Curry—Straggling Savages Murder and Rob Umpqua Lighthouse—Trial and Execution of Enos—Chief John Sent to San Francisco — Desperate and Almost Successful Attempt of Himself and Son to Capture the Steamship — Military Wagon Road — Discovery of Gold in the Umpqua Valley — Exploration of the Klamath Lake Country — First Mail Between Sacramento and Portland—More Indian Depredations—Bailey's Brave Stand Against a Hundred Savages — S. D. Evans Shot Dead with an Arrow—The Great Deluge in Southern Oregon — Effects of the Southern Rebellion—Oregon Volunteers Again in the Field — Indian Council at Klamath Lake—Causes and Details of the Modoc Indian War — The Assassination of General Canby—Punishment of the Traitorous Savages.

THE territorial legislature at the session of 1855–56 created two new counties in Southern Oregon, Curry and Josephine. The first was named after the Governor, the latter after Josephine Rollins, the first white woman residing within its borders. The boundaries of Curry county, as described by the act of December 18, 1855, were as follows: Beginning at a point on the Pacific Coast at the mouth of New river, thence east to the dividing ridge of the waters of the Coquille river and Horse creek; thence following said divide, which separates all the waters of the Coquille river from those which discharge themselves directly into the ocean, until such ridge connects itself with the dividing ridge between the waters of the Coquille and Rogue rivers; thence east along said ridge or divide to the divide forming the eastern tributaries of John Mule creek; thence south to the parallel of forty-two degrees north latitude; thence west to the ocean; thence north along the line of the Pacific Coast to the beginning. The county seat was located, by a vote of the citizens at the next regular election at Ellensburg, near the mouth of Rogue river.

Josephine county was created by an act passed January 22, 1856. Its boundaries are as follows: Beginning at the southwest corner of township number thirty-two south, of range five west, being the south boundary of Douglas county; thence west along the dividing ridge separating the waters of Cow creek from those of the Rogue and Coquille rivers, to the northeast corner of Curry county; thence south along the east line of said county to the summit of the divide between the Rogue and Illinois rivers; thence west along the divide to a point seven miles east of the junction of those rivers; thence south to the California state line; thence east to the intersection of the west boundary of range four west; thence north to the southeast corner of township number thirty-six; thence west to the southwest corner of the same township; thence north to the place of beginning. The county seat was first located at Waldo; and the first court was held at that place by Judge Deady in the fall of 1856.



JOHN KINETH ESQ.,

COUPEVILLE, W. T.

PIONEER OF '49.

The southern portion of the coast during this year suffered not only from war, but shipwreck. On the 3d of May, 1856, the brig *Quadratus*, loaded with merchandise and the machinery for a steam sawmill belonging to Simpson and Jackson, ran ashore in Coos Bay. Mr. Simpson, one of the owners of the vessel and mill, and Mrs. McDonald and child, were drowned in attempting to land in a small boat through the surf. The mate of the vessel, who was in the same boat, had a narrow escape with his life, having been thrown about in the surf, but, by clinging to a life-preserver, was finally saved. Mr. McDonald remained on the vessel and saw his wife and child drown. The brig came in with a strong ebb tide; but, the wind failing, she drifted ashore before an anchorage could be reached. She was driven by the surf up on the sands; but the rest of her passengers and crew were saved, as well as the mill and her cargo, which was in a damaged condition. During the month of June, the schooners *Ioaa* and *Francisco* were driven ashore at Port Orford, and were wrecked; but no lives were lost. On the 21st of December, the brig *Fawn*, Captain T. Bunker, bound for the Umpqua river with a valuable cargo of merchandise, went ashore near the mouth of the Siuselaw, twenty-five miles north of the Umpqua. She was dismasted at sea and drifted ashore. The mate and three sailors were washed overboard during the storm. The remainder of the crew, the passengers and a portion of the cargo, were saved. The *Fawn* was chartered by Dearborn & Co., of Roseburg.

Although the Indian war was concluded in June, many members of the different tribes remained in their old haunts; and the most of them were ever ready to rob and kill whenever an opportunity offered. Among these were a portion of the Chetco and Pistol river Indians on the coast south of Rogue river, a part of John and Limpy's band in the Illinois river mountains, Sampson's band at the head of the South Umpqua, and a portion of the Cow creek and Modoc Indians, who were still unsubdued, and were liable at any time to make a raid upon the settlements at the head of the Rogue river and Shasta valleys. On the 6th of July, a pack train of fifteen mules, accompanied by two men, was attacked on the Siskiyou Mountains. One of the men, by the name of Ogle, was killed and the whole train captured by the Modoc Indians. On the 11th of July, a pack train from Port Orford to Crescent City was attacked by the Pistol river Indians, and two of the four packers killed. On the 15th of August, James Weaver and William Russell were fired upon by Indians while traveling from Roseburg to Canyonville. Russell was shot three times,—once in the breast; but they both escaped to the house of Lazarus Wright. A short distance further on, the Indians burned the unoccupied house of James Beane and a field of grain. Two miles further on, they shot David Klink while binding wheat in the field. He escaped to the house of Colonel Burnett. They afterwards burned Klink's house and two stacks of grain belonging to Samuel Moore. They also attacked the house of William Irving in his absence, but were repulsed by Mrs. Irving, who ably defended her castle. A company of citizens was soon formed to chastise the savages; but, after following them two days, they lost their trail at the head of the Ollala, and were compelled to return. This marauding party was supposed to be a part of Sampson's band. On the 10th of February, 1857, a band of Cow creek Indians shot Adam Day, of Camas valley, in the shoulder with an arrow, inflicting a severe wound. During the summer of 1856, the State of California sent a body of volunteers, under the command of General John D. Cosby, to punish the Lake Indians. During their operations, they attacked Lalake's tribe on the Oregon side of the line, destroyed his fort, burnt his ranches, and killed some of his people. They

also attacked the Modocs by means of boats on Tule Lake, and punished them quite severely. General Cosby made some kind of a treaty or talk with a number of the chiefs; but the expedition effected nothing of a permanent character.

While the war caused a general paralysis in business, it did not entirely extinguish it. A lively trade was still kept up between San Francisco and the Umpqua river. Two small steamers, the *Washington* and the *Excelsior*, were kept busily engaged in transporting freight from the mouth of the river to Scottsburg, for the interior; and, as evidence of the progress in agriculture, on the 5th of May the schooner *Palestine* cleared for San Francisco with a cargo of potatoes. George T. Allen was the pioneer shipowner on the Umpqua river. The schooner *Umpqua* was built on Mill creek, one and a half miles below Scottsburg, by Clark & Baker. She left the mouth of the river under the command of Captain T. D. Hindsdale on the 12th of May, and crossed the bar on her return on the 3d of June, making the round trip to San Francisco in twenty-two days. Coos Bay was not behind in the commercial race. Although she had scarcely any trade with the interior, her coal and timber proved an inexhaustible source of wealth. Early in the year 1856, the coal bank at Newport owned by Flanagan & Rogers, and the one at Eastport owned by Northrup & Symonds, had been so far developed as to produce regular shipments of coal to San Francisco. In the month of June, five vessels entered the bay for coal cargoes. Two steam sawmills were erected on the bay during this year.

The year 1857 opened with a snowstorm; and the weather was quite severe for several weeks. It was during this year that a lighthouse was erected at the mouth of the Umpqua river.

On Sunday, April 12th, Enos, the murderer of Captain Ben Wright, was executed at Port Orford. He did not surrender with Old John. Being a half-breed of light complexion, and talking English perfectly, he easily made his escape. He was first recognized on French Prairie in Marion county, where he went to visit some of his old friends, and thence to the Grand Ronde reservation, no doubt to see Old John, where he was immediately put in irons by the Indian agent. General Palmer, Superintendent, wished to have him tried by Judge Williams in the territorial court; but the judge recommended a trial by a military commission. He was finally sent by the steamer *Columbia* to Port Orford. The weather being too rough to land at that place, he was put ashore at Crescent City and taken by land to Port Orford. Upon his arrival, he was tried by the miners and hanged on Battle Rock with very little ceremony.

The increase in the number of cattle west of the Cascade Mountains, both in the Willamette valley and in Southern Oregon, was very extraordinary, and proved the source of a large income to the settlers. It appears from actual count, that from the 1st of February to the 16th of June, 1857, twenty-eight thousand head of cattle were driven south through the Umpqua cañon to the markets in the mines of Southern Oregon and California.

Roving bands of Indians still continued to give trouble in different sections of the country. On the 15th of June, the house of Franklin Wright on South Deer creek in Douglas county was robbed of a rifle and a quantity of ammunition, two hundred pounds of flour and three pairs of blankets. James Gilmore, who happened to be near, had a valuable mare killed and two colts wounded with arrows. Pursuit was made; but the plunderers were not caught.

The brig *Ellen Wood* was built on the Umpqua, and was ready for sea on the 7th of July. In August, Burns & Beggs commenced the publication of the Jacksonville *Herald* at that place. The winter of 1857–58 was a very mild one, there being no snow and very little freezing weather.

The Chetco and Pistol river Indians, living on the coast between Rogue river and Crescent City, surrendered in 1856 to the Indian superintendent and agreed to go upon the Siletz reservation; but, when the time came to transfer them, they refused and returned to their old haunts. They remained quiet for some time; but on the 15th of March, 1858, they took the warpath, killed the interpreter Oliver Cantwell, and started on a general raid. They attacked Daly's ranch and killed a man named Taylor. In fact, they were such a continual menace to the settlers that they were unable to carry on their usual avocations. They attacked the supply train of Lieutenant Shrie on its way from Port Orford to Crescent City, and killed an employé named Baker. This last attack was said to have been made by a band of six Chetco Indians. Captain Tichenor, who was special Indian agent at Port Orford, went down the coast to take a band of thirteen Indians, who were guilty of most of the depredations along the coast, to the reservation with their squaws. He first endeavored to get them to go out and bring in six Indians who had attacked Lieutenant Shrie. This they promised to do, but afterwards refused. Captain Tichenor gathered them with their squaws and started for the reservation. After going a part of the way, the warriors watched their opportunity and left him. An express was sent to Gold Beach notifying the people of the escape, and warning them to be on their guard. A party from that place armed themselves and went out. The warriors were not satisfied with having escaped themselves, but wished to release their squaws. For this purpose they started to follow Captain Tichenor to the reservation; but, unfortunately for them, they fell in with the party from Gold Beach, who killed the whole thirteen and buried them where they fell. Ample proof of their crimes was found upon their persons. The six remaining desperadoes were betrayed by a sub-Indian chief named Ilas for the reward offered for their scalps. After obtaining access to their camp under the pretense of friendship, Ilas and his band fell upon them and killed and mutilated the chief and three others in the usual Indian manner. A party of miners captured the other two Indians and fifteen squaws and children. The men were tied to trees and shot, and the women and children sent to the reservation. This put an end to the Indian troubles on the coast.

Old Chief John, the most indomitable and cruel of all the savages, as well as the best general, and who was the last to surrender, was taken with his two sons to the Siletz reservation. His youngest son died in 1857, in return for which the old chief killed one or two Indian doctors, a custom of the Indians. He was afterwards detected in inciting the other southern Indians to revolt and return to their former homes. Captain Augur, in command of Fort Hoskins, thereupon sent him and his son Adam to Fort Vancouver in April, 1858, from which place they were ordered to San Francisco. They were shipped on the steamer *Columbia*. While the vessel was at anchor off Humboldt Bay, the old chief, knowing that this was his last chance, determined to escape. They were in the steerage under the charge of a sergeant. About one o'clock in the morning, they commenced operations by blowing out all the lights in the steerage. They next attempted to steal the revolver from the sergeant; but he awoke and caught them in the act. Then commenced the struggle, the old chief throttling the sergeant, who was lying in his berth, and Adam beating him on the head with an iron bar.

At this juncture John gave his ear-piercing warwhoop, which seems to have acted with galvanic effect on the passengers, who incontinently quitted their berths, ran up the hatchways and into the cabin, where they declared the Indians had taken the ship and were slaughtering the passengers. They had all forgotten to take their revolvers with them in their hasty flight, and supposed the warriors had obtained possession of them.

In the meantime the struggle between the sergeant and the two Indians was fiercely carried on, during which the pistol they were contending for was discharged, the ball passing just underneath the sergeant's throat and cutting his whiskers. The pistol was broken to pieces in the contest. Captain Dall, with his first officer, Mr. Nolan, the second mate, and some of the passengers, then formed themselves into two bodies, four men in each, and, after closing the hatches, armed and provided themselves with lights, ready at a given signal to jump down both hatchways and secure the two warriors. This plan was executed; and, as soon as they landed on the steerage deck, shooting and cutting commenced in lively style on both sides. John, the old chief, made at Mr. Nolan with an iron bar and aimed a blow at his head, but struck him violently on the shoulder. Mr. Nolan returned the compliment by a cut with a saber; but the chief caught the blade in his hand. Mr. Nolan succeeded in drawing it away, and gave him another cut over the head. The second mate was also busy with a revolver, and shot Adam through the leg. By this time the rest of the party had gathered in; and the two chiefs were overpowered after a desperate struggle, not, however, until they had shot one man in the breast and wounded three others, besides a woman. The latter had a little girl, at whom Adam aimed a blow; but she threw up her arm and received a severe cut upon it. After being subdued, the warriors were conveyed to the quarter deck, sweltering in blood. For some time they pretended to be dead, hoping that their bodies would be thrown overboard, when they could easily swim ashore and effect their escape; but the trick did not work, and they were put in irons instead of the water.

Old John was about seventy years old, and declared that, if he had two or three of his warriors with him, he would have captured the ship. Old John had a frightful saber cut on his head. Adam was so badly shot that his leg had to be amputated at San Francisco. A rifle stock had also been broken over his head. The brave sergeant had his jaw broken and his head badly bruised with the iron bar. Adam died not long after at Benicia. The death of the old chief is not recorded; but he never returned to Oregon.

Congress having made an additional appropriation for the military road from Scottsburg to Camp Stuart in Jackson county, Lieutenant Mendell, U. S. Engineers, was detailed to apply the same during this season. Lieutenant Hooker, afterwards Major-General Hooker, U. S. Army, was appointed superintendent. Hardy Elliff of Cow creek took the contract for grading the Grave creek hills for the sum of eight thousand dollars. The work from Roseburg to Jackson county was well finished before the rainy season commenced; but the work on the road to Scottsburg had to be abandoned, for the reason that all the workmen left for Frazer river, induced by the reported gold discoveries in that section. In November, 1858, gold was discovered on Coffee creek, a stream that empties into the South Umpqua river about twenty-five miles above Caynonville. The mines yielded largely to the first discoverers; and mining was carried on profitably on the stream and its branches for several years afterwards. On the 15th of November, the brig *Cyclops*, from San Francisco to Coos Bay with a cargo of merchandise, was wrecked while attempting to enter Coos Bay harbor. No lives were lost; but the vessel and cargo were a total loss.



HON. MATHEW PATTON,
ALBINA, OR.



MRS. POLLY G. PATTON,
ALBINA, OR.



JAMES BIRNIE.



W. P. WATSON,
ALBINA, OR.



MRS. PRISCILLAR WATSON,
ALBINA, OR.

In April, 1859, a party of men, composed of Eli Ledford and J. Brown of Jacksonville and S. F. Couger, W. S. Probst and James Crow of Butte Creek, started on an exploring expedition to the Klamath Lake country by way of the Butte creek trail. On the 4th of May, Indian Agent Abbott, with a small party, left for his station among the Klamaths by the same trail. Upon arriving at a point where the snow prevented further progress, they returned and followed the trail of the Ledford party to Rancheria Prairie, where they found it deserted and the houses burned. Four of the horses of the Ledford party were found to have been tied to trees and shot. Believing the party had been murdered, Abbott and his men returned to Jacksonville and reported their discovery. A company of forty-three men were immediately fitted out by the citizens of the valley, under the command of Captain John W. Hillman. Henry Klippel and many of the leading citizens of Jacksonville belonged to the command; and Agent Abbott accompanied them. Upon arriving at Rancheria Prairie, a careful search was made for the bodies of the party; and the place where they were buried was finally discovered. Upon their exhumation, they proved to be the bodies of Probst, Brown, Crow and Couger. Ledford's body was found later, buried in a thicket of firs some distance away. The bodies were badly mutilated, but still recognizable. There was sufficient evidence to show that the party were killed while asleep in camp. The relief party crossed the north fork of Butte creek and followed it down to the Rogue river, making a thorough search for the murderers, without success. It was subsequently reported in the Yreka papers that Lalake, one of the Klamath chiefs, had brought to his white friends at that place the heads of three Indians whom he had executed for being engaged in the Ledford massacre; but the report lacks confirmation, although it may be true.

There were but few other matters of special interest to Southern Oregon which occurred during this year. Judge Deady of the first district having been appointed United States district judge upon the admission of Oregon as a state, Governor Whiteaker appointed P. P. Prim as his successor, which position he held for many years thereafter, by the vote of the people of the district. In July, 1859, the Umpqua land-office was removed from Winchester to Roseburg, the county seat of Douglas county, by order of the President, where it still remains. In November, 1859, L. E. V. Coon started the first newspaper at Roseburg, which was called the Roseburg *Express*. On the 15th of September, 1860, the first daily mail, carried by four-horse coaches, arrived in Portland, Oregon, from Sacramento, California. This was the inauguration of a new era upon the Pacific Coast, and especially for Southern Oregon. Before this time the mail came semi-occasionally; and persons desiring to travel the route from Jacksonville to Portland were compelled to make the trip on horse or mule back, making an average of twenty miles a day. The stopping places were well known; and each day's drive was managed so that they could arrive at some favorable hostelry. At each of these there was ample provision for the inner man, with plenty of horse feed; and, during the rainy reason, a roaring fire in an ample fireplace furnished the opportunity to dry the saturated clothing of the tired traveler. The stage line changed all this. The mails arrived regularly, the time being seven days in winter; and, except during the floods of 1861–62, there was no failure in the mails of any consequence. Travelers had no longer to provide themselves with a riding animal to make a day's journey. They had only to provide themselves with a ticket from the stage agent. It required an immense amount of energy, as well as a good deal of capital, to make it a success, there being at that time scarcely any decent

wagon roads between Sacramento and Portland, while a large part of the road was over rough mountains and through difficult cañons; but men were found equal to the emergency.

The company that took the first contract consisted of James Haworth, President, George Thomas, Vice-President. The directors were Wash. Montgomery, John Andrews and A. Richardson. The mail pay was $90,000 per annum in gold coin. Vice-President Thomas had the chief control of the Oregon end of the line. The superintendents upon whom the most of the work devolved were Robert Van Dusen, John Andrews, J. J. Comstock, Elijah Corbett and Colonel Stone. The stage soon became an institution in the country that not only furnished a market for a large quantity of hay and grain, but was the only means of communication with the outside world. It soon became the custom of the whole male population of a station to meet the stage upon its arrival. At the blast of the driver's horn, all the business men rushed to receive their packages by mail or express; while the balance of the crowd waited to meet some friend or hear the latest news. The drivers were universally polite and obliging; and they seemed to defy the weather as if made of cast iron. Each one of them deserves a memorial, which it is not possible to give in this work. So strong a hold had the stage company upon the people of Southern Oregon, that there was a sigh of regret even when they were superseded by the railroad company.

In the spring of 1861, Captain Jo Bailey of Lane county, who was a member of the legislature, having a large band of cattle which had suffered severely from the cold weather in January of that year, determined to drive them to the head of Pitt river in California, near Fort Crook, which region he knew to be a fine stock range and at that time entirely unoccupied and unsurveyed. Shortly after Bailey had passed through the Umpqua valley with this cattle, Samuel D. and David Evans of the Umpqua valley left for the same destination with three hundred and fifty head of cattle, seventeen head of horses, and one wagon with two yoke of cattle. The company consisted of S. D. and David Evans, the owners, Hiram Gove, Elijah Crow and L. F. Thompson, herders. The Evans party left Roseburg about the 1st of July. On arriving at Ashland, Bailey took the emigrant trail to the east of the Cascades, as furnishing better feed and being less expensive. The Evans party, on arriving at the turning-off place, followed the Bailey trail with the expectation of soon uniting their droves. This was accomplished at a point near where Dorris and Fairchild subsequently established their cattle ranches. Upon uniting their forces, a consultation was held; and it was determined to follow the immigrant road to Goose Lake, and then down Pitt river to Fort Crook. To accomplish this, it was necessary to turn back until they reached the south side of Little Klamath Lake, thence east along the south side until they reached the east side of the lake.

The persons forming the Bailey company were: Captain Jo Bailey, James Bailey, Jack and Dick Wright, A. C. Hill, John Cornage, Jack Shepard, James White, Ed Simmes, Old Charley Martin, wife and son, making eighteen persons in the consolidated company. They were not well supplied with arms; and it is evident that no danger was anticipated. Two revolvers were all the arms in the Evans party. Bailey was better prepared. He had five guns, one of them a shotgun, and several revolvers. At the end of the next day's drive, several Indians came into camp, being apparently friendly, but all exceedingly hungry. On the next day's drive, quite a large number of Indians were met, some riding and some walking, accompanied by an indefinite number of children and dogs. The party traveled eastward most of the day and came to the natural bridge on Lost river about one

o'clock in the afternoon. They had no difficulty in crossing, and, after following the north side of the river for three or four miles, camped not far from Tule Lake. There was a large Indian village not far from the camp, which some of the party visited. The next day's drive led around the north side of Tule Lake to the famous Bloody Point; but no Indians were seen. They then crossed a range of hills and came down to Clear Lake. The next day they traveled due east along a tule swamp about a mile wide, when they came to a river they could not cross, and camped on its banks. There were several Indian signal fires around on the hills that evening; and Captain Bailey deemed it prudent to post a guard around the cattle. The party had to go back several miles to cross the river, from which point they traveled southeast all the next day over a good road. Just before arriving at camp on a small creek, they saw a sign on a tree, "Look out for Indians." They kept a good lookout, but did not see any, although they could see their signal smokes every time they started or stopped. No incident of importance occurred until the party had traveled down Pitt river two days. Here the Indians became very saucy, and endeavored to stampede the cattle.

On the next day, Ed Simmes, who had been left behind with a lame cow, came into camp and reported that the Indians had fired several arrows at him. As Samuel D. Evans and David Evans were still in the rear, Captain Bailey at once organized a party to go to their relief. The party accompanying him were James Bailey, Jack Shepard, James White, John Cornage, Ed Simmes, Elijah Crow and Hiram Gove. The rest of the party were directed to go into camp, cook the supper and guard the cattle. When Bailey and his party reached the Evans, the Indians had retired a short distance from the road, and were seated upon the rocks. It being deemed best to have an understanding with them, the party rode up the hill towards them. Upon their approach, the Indians strung their bows and got their arrows ready. Upon getting closer, twenty or thirty more Indians were seen running down a gulch on their right, while those in front opened fire upon the Whites. Captain Bailey ordered the men to dismount, Gove and Samuel Evans to hold the horses, and the rest of the men to approach closer, covering themselves behind the rocks as they advanced. The rocks proved to be full of Indians, who sprang up in every direction and tried to surround them and cut them off from their horses. Bailey ordered the men back to their horses, where he arrived safely; but, while waiting for some others of the party to return, he ran up the hill about thirty yards to make a diversion in their favor. He had just knelt down behind some rocks and fired his rifle when the Indians came swarming over the hill, and in a moment had him completely surrounded. Bailey, seeing that all hope of escape or succor was cut off, drew his revolver and commenced firing. He was a powerful man and as brave as a lion, and fought as long as he could stand, and fired his pistol three times after he was down. The rest of the party succeeded in reaching their horses in safety; but, just as Crow got to his horse, S. D. Evans was struck by two arrows, one of which went straight to his heart. The other pierced him in the neck just above the breastbone. Crow mounted and endeavored to lead Evans from the field; but, after a short distance, he fell dead from his horse and had to be left.

Upon the arrival of the survivors at camp there was a hasty saddling of horses and a speedy retreat. The destination was Fort Crook; but, having lost their guide in Captain Bailey, they lost their trail and suffered much hardship before reaching their destination, which was the more painful as it involved the comfort of the wounded,—Ed Simmes and David Evans seriously with poisoned arrows, and Jack Shepard slightly. Upon their arrival at Fort Crook, the commanding officer ordered a detail of thirty-six soldiers, under

the command of Lieutenant Fielner, to go back and punish the Indians and recover what property was possible. Twelve of the Bailey and Evans party volunteered to accompany the detachment. They arrived at the place where the wagons had been left within five days, and found the Indians killing the cattle and drying the meat. The wagons had been burned; and most of the cattle had been driven off. The relief force caught the Indians unprepared, and, upon charging them, succeeded in killing several of the Indians and recovering the captured meat, which was destroyed by fire. The troops then returned to the point where Evans and Bailey had been killed five days before. The bodies had been stripped but not scalped. As they could not be moved, a stone cairn was built around them, from which they were afterwards removed to their homes. The party then returned to Fort Crook. Ed Simmes had in the meantime died; and David Evans, who lingered a long time, was probably indebted to the surgeon of the post for his recovery. This narrative is taken from the manuscript of L. T. Thompson, one of the survivors, and is published at length to show the pure and unadulterated malignity of the Indian tribes in the Lake country.

On the 19th of August, 1861, Lindsey Applegate, who had been appointed a special Indian agent, left the Rogue river valley with a company of forty-three men to protect the immigrants on the Southern Oregon trail. They were too late to save a train of fourteen families, who were attacked by the Indians near Goose Lake on August 27th. With the exception of one man, who escaped, they were all butchered. The company escorted the balance of the immigration to the valley without serious accident.

During the winter of 1861–62, a disaster occurred which caused more actual damage to Southern Oregon than the war of 1855–56. It was a deluge that extended from the Columbia river to the mouth of the Sacramento in California. It reached the Umpqua valley about the middle of December, 1861. The waters of the Umpqua river were ten feet higher than was shown on their banks, or that had ever been known in the traditions of the Indians. On the Umpqua, it carried away the bridge across the north branch of the river at Winchester, which had just been completed, at a cost of ten thousand dollars, by the Moore Brothers. It carried away the mills of Markham & Kellogg on the Umpqua, and nearly all the ferry-boats, and at Scottsburg entirely washed away the middle and lower town and left but a few houses in the upper town. On Rogue river, the damage was quite as large. The flood swept over the river bottoms, carrying away houses and destroying valuable farms by a deposit of drift and *débris*. The same was the case also on Gallice and Applegate creeks. To add to the calamity, the weather turned extremely cold, and stock suffered severely.

Upon the breaking out of the war of secession, the regular troops and their officers being needed at the East, most of them were ordered to that section; while the garrisoning of the posts and the protection of the settlers from the Indians were left to the volunteer troops. For this purpose a requisition was made for a regiment of Oregon cavalry, which was soon after reduced to six companies. These companies were promptly recruited and mustered in under the command of Colonel T. R. Cornelius. The companies were commanded as follows: Company A, from Jackson county, Captain T. S. Harris; Company B, from Marion county, Captain E. J. Harding; Company C, from Vancouver, Captain Wm. Kelly; Company D, from Jacksonville, Captain S. Truax; Company E, from The Dalles, Captain G. B. Curry; Company F, from Josephine county, Captain Matthews. At this time there was of course considerable political excitement over the occurrences in the East, each man being governed more or less by his party or family



J. S. DYSART, ESQ.,

ELLENSBURGH, W.T

prejudices; but the allegation that there was any organized effort to take Oregon out of the Union, as charged by some of the newspapers of the day, was as nonsensical as it was untrue. The strongest contradiction to such a charge is the fact that three of the six companies of cavalry were raised in Southern Oregon, which was claimed to be the hot-bed of the movement; and all of these were sent to the Columbia river to do service against the Indians on the northern route to Oregon. R. F. Maury of Jackson county was appointed lieutenant-colonel, and C. S. Drew, major. The services of these troops during their term of service deserve a brilliant record; but, as most of their deeds of gallantry were not performed in Southern Oregon, they must be left to the abler historian of that section.

In March, 1863, Colonel Cornelius having resigned, Lieutenant-Colonel Maury was promoted to the colonelcy. Major Drew was commissioned lieutenant-colonel, and Captain S. Truax, major. In the spring of 1863, Major Drew ordered Captain Kelly with Company C to construct and garrison Fort Klamath. About the last of March, 1864, Colonel Drew, who had been quietly drawing his rations at Camp Baker in Jackson county ever since he was commissioned, received orders from the Department of the Pacific to repair to Fort Klamath as soon as the roads were passable, and, after leaving force enough to protect the government property, to make a reconnaissance to the Owyhee country and return to the post. Colonel Drew and his command arrived at Fort Klamath on the 28th of May. It was deemed necessary, on account of the hostile disposition of the Indians in the vicinity, for the force to remain at Fort Klamath until the 28th of June. At this time, the Colonel organized an expedition of thirty-nine soldiers and proceeded with them to Sprague river. Upon his arrival at this place, he received the news of an attack upon a wagon train which was traveling from Shasta valley to the John Day mines. Fortunately for the travelers, Lieutenant Davis from Fort Crook, California, with ten men, came up with the train in time to prevent a massacre. Colonel Drew, upon meeting the company, sent the wounded to Fort Klamath and proceeded to escort them, as well as a company in reserve, to the place of their destination. This he successfully accomplished; and, upon his return to Camp Alvord, he received an order requiring him to proceed at once with his command to Fort Klamath to be present at the council to be held with the Klamaths, Modocs, and Panina's band of Shoshones. Colonel Drew, with his usual success, arrived on the council ground just after the treaty had been made.

This treaty is of great importance in history, since it was the key to the Modoc War. It was made between Huntington, Indian Superintendent of Oregon, Deputy Agent Logan of the Warm Spring Reservation, and A. E. Wiley, Superintendent of California, by his deputy, and the Klamaths, Modocs, and the Yakooskin band of Snakes. The Indians on the ground numbered one thousand and seventy, of whom seven hundred were Klamaths, over three hundred Modocs and twenty Snakes; but more than two thousand were represented. Lindsey Applegate and Mr. McKay acted as interpreters for the Indians. There was no difficulty in making a treaty with the Klamaths. The Modocs and Snakes were more reluctant, but signed the treaty, which they perfectly understood. By the treaty, there was ceded all right to a tract of country extending from the forty-fourth parallel on the north to the ridge which divides the Pitt and McCloud rivers on the south, and from the Cascade Mountains on the west to the Goose Lake Mountains on the east. The reservation was described as follows: Beginning on the eastern shore of Upper Klamath Lake at the Point of Rocks, twelve miles below Williamson river, thence following up the eastern shore to the mouth of Wood river to a point one mile north of

the bridge at Fort Klamath; thence due east to the ridge which divides the Klamath marsh from Upper Klamath Lake; thence along said ridge to a point due east of the end of the Klamath marsh; thence due east, passing the north end of the Klamath marsh to the summit of the mountains, the extremity of which forms the Point of Rocks, and along said ridge to the place of beginning. The council lasted from the 9th to the 15th of October, and was entirely satisfactory to the Indians, who hastened to take advantage of the presents given by the treaty, as well as of the provisions which were furnished by the agency.

This treaty of October 14, 1864, was approved by the United States Senate, with certain amendments, on the 2d of July, 1866, but was not finally ratified until the 10th of December, 1869. This long delay made the Indians who were parties to the treaty very suspicious; and, when the amended treaty was interpreted to them, Captain Jack, then leader of the Modocs, protested that it did not represent what they had agreed to. He was, however, convinced by the testimony of other chiefs, and finally assented to it. When they were established on the reservation, they went to work to build cabins and inclose ground for cultivation, but soon tired of this occupation. Being warriors they would not work, and soon began to complain to the local agent that they were annoyed by the Klamaths. Of course the Modocs had not the slightest fear of the whole Klamath tribe; but they induced the agent to remove them on this pretense to three different parts of the reservation. Subsequently, the proper time having come, they abandoned the reservation for their chosen ground of plunder; and all subsequent attempts to induce them to return failed. Brigadier-General Canby, who had superseded General Geo. Crook, knew nothing of the matter in controversy; and his ignorance is not surprising when we find that the superintendent of Indian affairs and the local agents knew still less. The fact is that Captain Jack had become contaminated by association with the Whites about Yreka, where he had learned all their vices and none of their virtues. After the treaty of 1864, several heavy stockraisers in Siskiyou county drove their cattle at once upon the rich pastures of that region. The citizens of Oregon had also entered upon the same section of country, but were in danger of their lives from Captain Jack and his band. That the citizens of California made use of the Modocs to keep strangers off the range cannot be proved; but the result presents a very strong case. In 1870, Captain Jack made a formal claim to a tract of land six miles square, lying near the head of Tule Lake, which was already occupied by settlers; and Superintendent Meacham was weak enough to recommend to the department the setting apart of this tract.

The Oregon settlers were not idle. On the 3d of January, 1872, affidavits were forwarded to Fort Klamath, Major Jackson commanding, making a full statement of the depredations of the Modocs, including the destruction of fences, the stealing of hay, halters and household utensils, and that Captain Jack had threatened the lives of several persons living on Lost river. These proofs were forwarded to headquarters at Portland, but were returned with a request for further information. This specimen of red-tape would have done credit to an older and better organized department than that then existing in Oregon. Not satisfied with this evasion, all the settlers of the valley united in a petition for their removal, stating the various grievances, which was indorsed by the local Indian agents. Upon this last petition, Superintendent Meacham and General Canby seemed disposed to act, but very slowly. Even a letter from the old pioneer, Jesse Applegate, did not seem to hasten the matter. The settlers finally appealed to the civil authorities, and sent their petition to Governor Grover of Oregon, by whom it was at once

referred to General Canby with a request that he would act at once. The General was in doubt, and requested that the subject should be again referred to the War Department. On the 2d of April, 1872, Major Elmer Otis, in command, interviewed Captain Jack as to his intentions. He had a meeting with him, in which he proved by several settlers that he was a good Indian. One of his witnesses was H. Miller, a large stockraiser, who paid a subsidy to Captain Jack for protection. He was one of the first that was killed in the subsequent outbreak. Nothing came from this interview.

It was, however, finally determined that these Indians should be removed to the reservation in December. Colonel John Green, commanding Fort Klamath, and Mr. Dryar, the Indian agent at that place, concluded that there would be no serious difficulty in the removal. On the 2d of December, Governor Grover received a telegram from Hon. A. J. Burnett, at Linkville, announcing a serious outbreak of the Modoc Indians in the lake basin, and asking for volunteers. This dispatch was immediately forwarded by the Governor to General Canby, who replied that he had ordered Colonel Wheaton, who had sufficient forces at his command, to take all proper steps to protect the settlers, which assurance Governor Grover could not but accept as satisfactory. In this connection it must be stated, that a campaign conducted in the Siskiyou Mountains, with a major-general in San Francisco, a brigadier-general in Portland, with a number of gallant officers and men who were always in doubt whether to obey the orders of their superior officers or of the Indian agents, presented difficulties not often met in the history of war.

T. B. Odeneal had superseded Meacham as superintendent of Indian affairs; and the order to remove the Indians was given by him to Major Green, in command of the District of the Lakes. The first attempt was made by Captain James Jackson, First Cavalry, and is very tersely told in his report, dated at Crawley's ranch, Lost river, November 30, 1872: "I have the honor to report that I jumped the camp of Captain Jack's Modoc Indians yesterday morning soon after daylight, completely surprising them. I demanded their surrender and disarming, and asked for a parley with Captain Jack. He, Scar-faced Charley, Black Jim and some others would neither down their arms nor surrender; and some of them commenced making hostile demonstrations against us, and finally opened fire. I immediately poured volley after volley among the hostile Indians, took their camp, killed eight or nine warriors, and drove the rest into the hills. During the engagement I had one man killed and seven wounded, three of the last severely. The band that I attacked was on the south side of the river. Another smaller band on the north side was attacked by a party of ten or twelve citizens, and their surrender demanded; but, when the firing commenced in Captain Jack's camp, these Indians opened on the citizens, and drove them to the refuge of Crawley's ranch. One citizen (John Thurber) was killed in the fight; and two others, Mr. Nass and Joe Pennig, coming up the road unconscious of any trouble, were shot, both of whom died soon after. My force was too weak to pursue and capture the Indians that made off, owing to the immediate necessity of taking care of my wounded and protecting the few citizens who had collected at Crawley's ranch. The Indians were all around us; and, apprehensive of a rear attack, I destroyed Captain Jack's camp, and crossed to the other side of the river by the ford, a march of fifteen miles, taking post at Crawley's ranch, where I now am."

A grave mistake was made in making this attack without having given notice in advance to the settlers, the consequence of which was the murder of Wm. Boddy, Rufus Boddy, William Boddy, Jr., Nicholas Sheiras, William Brotherton, W. K. Brotherton, Rufus Brotherton, Christopher Erasmus, Robt. Alexander, John Tober, John Collins and

Henry Miller, who were killed by the Indians who escaped from the lava beds and fell upon these settlers when they were wholly unprepared for danger.

The next movement in this direction was made under the direction of Brevet Major-General Frank Wheaton, with every prospect of success. The Colonel had been reinforced with all the infantry he desired, as well as mortar batteries. Upon the requisition of Governor Grover, Colonel Ross of the Oregon militia, an old Indian fighter, had brought into the field two companies, one commanded by Captain Hugh Kelly, and the other by Captain Oliver E. Applegate. Captain Fairchild of Siskiyou, California, brought into the field a company of twenty-four men, who were supposed to be sharp-shooters and men of desperate courage. Major-General John F. Miller, with his staff, Colonels Bellinger and Thompson, were also upon the ground to secure success. The general field-order issued on the morning of the 16th of January, 1873, by Colonel Wheaton, was a model of military skill; and it seemed impossible that there could be a failure. Unfortunately, at the time the movements should have commenced, a dense fog covered the lava beds, making any movement of the troops impossible for the time; and the occasional glimpses of the sun only rendered the movements more uncertain. All the men did gallant service, and were highly praised by the commander; but the only real advantage gained by the Whites was a knowledge of the topography of the country, and the proper method of surrounding them. The casualties were as follows: Regulars, seven privates killed, two officers and seventeen privates wounded; volunteers, two privates of Captain Applegate's company killed, and one officer and three men of Captain Fairchild's company wounded. While the commanding officer was making every preparation for a renewal of his attack upon the hostiles, an order was received by him requesting him to abstain from all offensive attacks until, as General W. T. Sherman states it, the peace men could try their hands on Captain Jack. There was the usual amount of red-tape; but the Peace Commission was finally organized by the appointment of A. B. Meacham, Rev. Mr. Thomas, and Dryar, the Indian agent, with General Canby in the last lead. The result appears in the report of Colonel Gillam, then in command:

"On the morning of the 11th of April, 1873, General Canby, with Messrs. Meacham, Thomas and Dryar, members of the Peace Commission, met the Modoc Indians at a tent pitched about one mile in advance of my camp, at the south end of Tule Lakes. The tent was in what is known as the 'lava beds.' As suspicions of treachery existed, I directed Lieutenant Adams, chief signal officer, to keep a constant watch on the tent, and to give me notice of any suspicious movements in the vicinity. The General and members of the commission went out about eleven o'clock A. M. At one o'clock P. M., I received a message from Major Mason, on the east side of the lake, stating that his pickets had been attacked, and that Lieutenant Walter Sherwood had been killed under a flag of truce. I was engaged in writing a message to General Canby when the signal officer informed me that the Indians were shooting the General and his party. The troops in the camp south of the lake at once sprang to their arms, and advanced as rapidly as possible to the scene of the tragedy; but the Indians had fled. General Canby and Rev. Mr. Thomas were dead when we reached them. Mr. Meacham was supposed to be mortally wounded, but is likely to recover. Mr. Dryar escaped by his fleetness of foot."

This unfortunate result of the peace policy quickly restored the military *régime*. Colonel Gillam at once closed his cordon of troops around the lava beds. General Jeff C. Davis was assigned to the command of the department in place of General Canby, and

at once entered upon his duties in the field. We have no space to give the military maneuvers which resulted in the capture of the Modoc leaders,—Captain Jack, Schonchis, Boston Charley, Black Jim, Barncho, alias One-eyed Jim, and Sloluck, alias Cok. These were all tried by a military commission, of which Colonel W. L. Elliott, First Cavalry, was president, on a charge of murder, in violation of the laws of war. The verdict was, in each case, "Guilty;" and the sentence was that they should be hanged. These sentences were approved by President Grant; but the sentences of Brancho and Cok were afterwards commuted to imprisonment for life at Alcatraz. The rest of the sentence was duly executed.

END OF VOLUME I.

MAR 91
N. MANCHESTER,
INDIANA 46962